In 2014, we will commemorate the 60th anniversary of the adoption of the first United Nations Convention to address the problem of statelessness: the 1954 Convention relating to the Status of Stateless Persons. The momentum on action to address statelessness has increased in recent years, owing to the joint efforts of governments, NGOs, academic institutions and UNHCR, which holds a mandate from the UN General Assembly to identify and protect stateless persons and to prevent and reduce statelessness globally. As such, 2014 is an opportune moment to take stock of where things stand and debate the next steps, through the convening of the First Global Forum on Statelessness.

• Share good practices and challenges in policy development on statelessness
• Explore and debate contemporary statelessness research and policy
• Encourage new research on statelessness across and between a range of academic disciplines
• Provide a platform for the voices of stateless persons in the development of new research and policy directions
• Strengthen existing partnerships and build new networks among different stakeholders engaged on statelessness
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UNHCR has assisted and protected stateless persons since it began operations in 1950. The organization is mandated by the United Nations to protect refugees and to help them find solutions to their plight. Throughout the years, many of the millions of refugees UNHCR has assisted have also been stateless. In 1995, UNHCR’s mandate was expanded by the UN General Assembly to include responsibilities relating to non-refugee stateless persons. Since then, UNHCR has held a global mandate to identify and protect stateless people and to prevent and reduce statelessness. Like refugees, stateless people can be found on every continent, in every segment of society: children and the elderly, women and men alike. Lacking a nationality, they are often unable to enjoy basic rights leaving them marginalized, vulnerable and voiceless and in need of UNHCR’s assistance.

UNHCR is using the occasion of the 60th Anniversary of the 1954 Convention to launch its Campaign to End Statelessness. Calling on governments and working with partners, UNHCR aims to eradicate statelessness within the next decade by resolving existing situations and preventing the emergence of new cases of statelessness.

The Statelessness Programme was established at Tilburg Law School in 2011, with a view to fulfilling the need for a sustainable centre of expertise which is dedicated to research, training and outreach on statelessness and related issues. The programme aims to:

- Engage in and provide support for research on statelessness;
- Promote academic education and professional training on statelessness;
- Engage in public debate and inform policy development by international, governmental, advocacy and service organisations.

Among the Statelessness Programme’s recent and ongoing research activities are an exploration of the link between statelessness and human trafficking in Thailand, a comparative study of nationality laws and situations of statelessness in the Middle East and North Africa and an account of the impact of statelessness resulting from gender discrimination in nationality laws through a qualitative, multi-country study. The Statelessness Programme’s annual Summer Course, organised in collaboration with UNHCR and Open Society Justice Initiative, attracts practitioners from around the world and is widely recognised as one of the best learning opportunities on statelessness globally. The First Global Forum on Statelessness was jointly conceived and organised by the staff of the Statelessness Programme at Tilburg University and UNHCR.
The Hague, 
International City of Peace and Justice

The Hague is known as the International City of Peace and Justice. It is the United Nations’ second city, after New York, and has been described by former UN Secretary General Boutros Boutros-Ghali as the ‘legal capital of the world’.

History of the city of peace
Though the Hague has never been awarded town privileges, it has been considered a city since the 13th century when the Count of Holland vested himself and his court in the centre of the Hague. Throughout the formation of what now is called the Netherlands, it became the political centre of the Netherlands and it has been an international city and centre of legal knowledge for several centuries. It is here, for instance, that famous jurist Hugo Grotius wrote ‘The Freedom of the Sea’ (Mare Liberum), laying the foundations for modern international law. The convening of the First and Second Peace Conferences in the Hague, in 1899 and then 1907, confirmed the city’s position at the heart of international law. The conferences brought government representatives together to discuss peace and disarmament, resulting in the adoption of standards for conflict resolution between nations and banning particular practices within warfare. They also led to the establishment of the Permanent Court of Arbitration in the Hague, which was the first global mechanism for the settlement of inter-state disputes. The Hague is now home to many other international legal bodies, including the International Court of Justice and the International Criminal Court. In fact, there are now 160 international organisations in the Hague, employing around 14,000 people dedicated to the cause of world peace.

The Peace Palace
In 1910, Andrew Carnegie – a millionaire who had made his fortune in the steel and other industries in the United States – established the Carnegie Endowment for International Peace, committing funding to efforts that would help to end international war. He agreed to finance a ’world peace centre’ in the Hague, providing $1.5 million for the construction of a building that would house the Permanent Court of Arbitration and a legal library. This building, named the Peace Palace, opened its doors in 1913. Today, it is still home to the Permanent Court of Arbitration and the Peace Palace Library, as well as the International Court of Justice and the Hague Academy of International Law.

Nationality cases at the Peace Palace
In 1923, meeting at its seat inside the walls of the Peace Palace, the Permanent Court of International Justice (the predecessor of the current International Court of Justice), issued an important ruling about the role of international law in issues on nationality. In the Tunis and Morocco Nationality Decrees Case the court ruled that nationality matters can fall within the scope of international law, limiting the domestic jurisdiction of states when it affects their international obligations. This triggered various international organisations to explore the elaboration of international regulations on nationality. The International Law Association, for instance, proposed a model statute to reduce statelessness in 1924. In 1930, the League of Nations convened a codification conference in the Hague at which the Convention on Certain Questions relating to the Conflict of Nationality Laws was adopted, setting out rules on the acquisition and loss of nationality, including the avoidance of statelessness. In 1955, a new case on nationality issues was decided at the Peace Palace, this time by the International Court of Justice.
In the Nottebohm ruling, the court outlined the doctrine of nationality as a ‘genuine link’, defining nationality as a legal bond based on an existing factual link between a state and an individual, having as its basis a social fact or attachment, a genuine connection of existence, interests and sentiments. This case is still widely studied and cited today among those working in the field of nationality and statelessness.

A home for the First Global Forum on Statelessness
When deciding on a venue for the First Global Forum on Statelessness, the Hague as the international city of Peace and Justice, and the Peace Palace as the seat of international law, stood out as the perfect choice. The city and the building are a symbol of the search for peaceful solutions to international disputes, whether these relate to nationality or other issues. It is fitting that within the same grounds where the question was first addressed as to the role of international law in issues of nationality, the Forum will now bring people together from all around the world to discuss ‘New Directions in Statelessness Research and Policy’, marking a new milestone in the journey towards the eradication of statelessness globally.
The First Global Forum on Statelessness is dedicated to exploring “New Directions in Statelessness Research and Policy”. Under this broad heading, three sub-themes have been identified as the main focus for presentations and discussion: Stateless Children, Statelessness and Security, and Responses to Statelessness.

**Stateless Children**

*It is estimated that at least 5 million stateless persons worldwide are children.*

Article 7 of the Convention of the Rights of the Child guarantees, to every child, the right to be registered immediately after birth and the right to acquire a nationality. However, it is estimated that at least 5 million stateless persons worldwide are children. Children are born stateless either because they inherit this status from stateless parents, or because parents cannot pass on the nationality they hold to their child. Particular questions arise with regard to securing a nationality for children under gendered or racially biased nationality laws, for abandoned children as well as in the context of international adoption or surrogacy arrangements. In some countries, there are also concerns surrounding the enjoyment of the right to acquire a nationality by children with disabilities.

Another significant problem is that each year around 50 million newborns remain unregistered. While not necessarily leading to statelessness, lack of birth registration can place children at risk of statelessness as these children are often unable to prove their parentage or their place of birth. Lack of birth registration, in combination with other factors such as displacement, migration, discrimination against minorities or state succession, may lead to a child not being considered as a national by any state.

Given these challenges and the intergenerational nature of many protracted situations of statelessness, almost all newly emerging cases of statelessness in the world today involve children. Stateless children are especially vulnerable to abuse, exploitation and violations of other rights. These children are often denied the right to education and health care, meaning that they have fewer chances in their future life than non-stateless children. This, in turn, can affect both their physical and psychological well-being. In the search for new directions in statelessness research and policy on childhood statelessness, a key priority is to examine the impact of statelessness on children and to consider effective responses to ensure that childhood statelessness is prevented.

**Statelessness and Security**

*Statelessness is widely reported to lie at the root of a range of other problems, such as discrimination, forced displacement, human trafficking, arbitrary detention and expulsion.*

This theme encompasses questions relating to the interaction between statelessness and human security, as well as national and international security. Stateless people have been described as one of the world's most vulnerable and marginalized populations and the detrimental consequences of statelessness on the ability to exercise civil, economic, social and cultural rights is increasingly well-documented. Statelessness is widely reported to lie at the root of a range of other problems, such as discrimination, forced displacement, human trafficking, arbitrary detention and expulsion. At the same time, vulnerable groups such as minority or indigenous communities are more susceptible to statelessness.
Sharing research data and identifying gaps in the mapping of this interaction between statelessness and human security can help to build a greater understanding of the links between these issues and to mobilise and guide an appropriate response. The impact of statelessness goes far beyond the individual, family or community affected. Stateless people may become forcibly displaced across an international border, a disenfranchised stateless population may take action to express their frustration at their situation in ways that raise public order questions and nationality disputes may escalate to cause communal tension or even contribute to internal or international armed conflict. In response, States may use nationality policy as a means to respond to perceived or sometimes legitimate security risks, including by exercising powers to strip nationality from individuals involved in criminal, terrorist or activities perceived to be disloyal to the State, thereby creating new cases of statelessness.

**Responses to Statelessness**

*Significant challenges remain if we are to meet the aspirations of the international community to protect stateless people and prevent statelessness.*

The year 2014 marks 60 years since the adoption of the first United Nations convention dedicated to addressing statelessness, the 1954 Convention relating to the Status of Stateless Persons, which sets out minimum rights to be enjoyed by stateless people. More than 50 years have also passed since the adoption of a second UN instrument, the 1961 Convention on the Reduction of Statelessness, which provides the international framework for preventing statelessness, thereby reducing it over time. However, significant challenges remain if we are to meet the aspirations of the international community, as laid down in these two instruments and echoed in many human rights treaties.

As one of its main objectives, the First Global Forum on Statelessness seeks to provide a platform for the sharing of positive examples responses to statelessness. Under this theme, the main questions are how can the identification, prevention and reduction of statelessness, as well as the protection of stateless persons, be optimised? What is needed to achieve the eradication of statelessness within the next decade? The net is cast as widely as possible to consider responses from a broad range of stakeholders, including stateless persons, governments, NGOs, academics, international organisations, regional bodies, legal practitioners and the judiciary, journalists, National Human Rights Institutions and community and faith-based organisations.

The Global Forum offers a venue to discuss the outcome of initiatives to identify statelessness situations, but also data sources and research methods, experiences and innovations. Similar discussions are envisaged in the area of prevention and reduction, including on how to implement reform of nationality and related legislation. With regard to protection, significant advances have been made in the development of protection mechanisms for stateless people, including through the adoption of dedicated determination procedures. Presentations and discussions may address how such mechanisms are functioning in practice and how they can be improved. Attention will also be given to successful programmatic and policy responses to improve the enjoyment of basic rights by protracted stateless populations or to ensure that stateless groups are included in development assistance.
Irene Khan is Director-General of the International Development Law Organization (IDLO). The first woman to hold this office, she was elected by Member Parties on 17 November 2011 and took up her position formally on 1 January 2012 for a term of four years. An international thought leader on human rights, gender and social justice issues, Irene Khan was Secretary General of Amnesty International from 2001 - 2009. Prior to that, she worked for the UN High Commissioner for Refugees for 21 years at headquarters and in various field operations. She was Visiting Professor at the State University of New York Law School (Buffalo) in 2011. Ms. Khan is Chancellor of Salford University (UK), and a member of the UNAIDS High Level Commission on HIV Prevention. She sits on the boards of several international human rights and development organizations. Ms. Khan received the Sydney Peace Prize in 2006 for her work to end violence against women and girls. Her book, The Unheard Truth: Poverty and Human Rights has been translated into seven languages. Born in Bangladesh, Irene Khan studied law at the University of Manchester and Harvard Law School.

In 2002 Barbara Hendricks, the UNHCR’s longest serving ambassador was appointed its only Honorary Lifetime Goodwill Ambassador in recognition of her outstanding commitment and over 25 years of service to people of concern to UNHCR. The internationally renowned classical singer and human rights activist has traveled to Africa, Asia and Europe spending time in the field and advocating at the highest diplomatic and governmental levels for the support and protection of refugees, the forcibly displaced and stateless people.

Council of Europe Commissioner for Human Rights since 1 April 2012, Nils Muižnieks has been working in the field of human rights for the past two decades, including as Director of the Advanced Social and Political Research Institute at the Faculty of Social Sciences of the University of Latvia, Chairman of the European Commission against Racism and Intolerance, Latvian minister responsible for social integration, anti-discrimination, minority rights, and civil society development, and Director of the Latvian Centre for Human Rights and Ethnic Studies. He has published extensively on racism, discrimination and minority rights.
Volker Türk is currently Director of International Protection at UNHCR Headquarters in Geneva. From April 2008 to September 2009 he was Director for Organizational Development and Management in Geneva, leading UNHCR’s structural and management change process. Before that he had a number of UNHCR assignments in various parts of the world, including in Malaysia, Kosovo (S/RES/1244 (1999)), Bosnia and Herzegovina, the Democratic Republic of the Congo and Kuwait. From 2000 to 2004 he was Chief of the Protection Policy and Legal Advice Section at UNHCR Headquarters in Geneva, which had particular responsibilities for the Global Consultations process. Before his time with UNHCR, he worked as university assistant at the Institute of International Law at the University of Vienna (Austria), where he finished his doctoral thesis on UNHCR and its mandate (published in 1992). From 1985 to 1988, he was research assistant at the Institute of Criminal Law at the University of Linz (Austria). He has published widely on international refugee and human rights law.

Adrian Anthony Gill is a British writer and critic who uses the bylines A. A. Gill and AA Gill. He is The Sunday Times’ restaurant reviewer as well as a television critic; he is also a Vanity Fair restaurant reviewer. Gill wrote his first piece for Tatler in 1991, and joined The Sunday Times in 1993. Earlier this year, Gill visited Bangladesh to explore the situation of stateless Rohingya refugees in the country. He wrote a compelling and powerful piece about what he witnessed that was published in the Sunday Times Magazine on June 2014. He has previously reported on refugee crises in Lampedusa, the Democratic Republic of Congo and Syria, including helping to draw attention to UNHCR’s work. “

¹ Security Council Resolution 1244 (1999)
During the Conference the following organizations and initiatives will be represented by a booth in the foyer area.

**The International Campaign to End Gender Discrimination in Nationality Laws.** Equality Now, the Equal Rights Trust, Tilburg University Statelessness Programme, UNHCR, UN Women and the Women’s Refugee Commission have formed a steering committee to lead the International Campaign to End Gender Discrimination in Nationality Laws. The goal is to eliminate this discrimination that still exists in more than 25 countries worldwide. (www.equalnationalityrights.org)

**Campaign to Protect Stateless People in Europe:** The European Network on Statelessness (ENS) is a civil society alliance with 53 member organisations in over 30 countries. They are running a campaign calling on European leaders to take action to protect stateless people in Europe and enable them to rebuild their lives. Around 600,000 stateless persons live in Europe today, including many migrants stuck in perpetual limbo. Timed to coincide with the 60th anniversary of the 1954 Statelessness Convention, this campaign will culminate in a concerted day of action against statelessness across Europe on October 14, 2014 when an online petition will be handed to European leaders. For additional information, please contact: Chris Nash at info@statelessness.eu

**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. We believe in the value of research, education, partnership and advocacy as means to promote the inclusion of the stateless and the disenfranchised. 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. The Institute is registered as a Foundation under Dutch Law, and has an affiliation with Tilburg University, the Netherlands. For more information on the Institute please visit www.institutesi.org

**Wolf Legal Publishers (WLP)** is an international legal publishing company founded in 1998. WLP publishes in various languages, both in print and electronically. We specialise in legal publications from renowned international scholars, with a primary focus on (International) Criminal Law, Human Rights Law and Constitutional and Administrative Law. Legal niche topics can also be found in our collection; from Caribbean law to Law and Technology. In June 2013 WLP was appointed official publisher of the European Court of Human Rights. WLP has published more than 500 titles in English now available for the US-market.

**Brill** Founded in 1683, Brill is a publishing house with a rich history and a strong international focus. The company’s head office is in Leiden, (The Netherlands) with a branch office in Boston, Massachusetts (USA). Brill’s publications focus on the Humanities and Social Sciences, International Law and selected areas in the Sciences. The Tilburg Law Review is a Journal of International and European Law which is published by Brill and promotes the legal analysis of current societal problems arising at the European and at the international level. In January 2014, the Tilburg Law Review issued a special edition dedicated to statelessness, with 30 short articles exploring the issue from different contexts and disciplines.
Roundtable discussions on statelessness experiences and empowerment will be held with both stateless and formerly stateless persons from around the world.

On Monday 15th the roundtable will focus on the experiences of statelessness and will be led by writer and critic Adrian Gill. On Tuesday 16th the roundtable will be led by Barbara Hendricks, world-renowned classical singer and UNHCR Goodwill Ambassador will focus on statelessness and empowerment.

Photography exhibition on stateless groups around the world
By Greg Constantine

We will be hosting an exhibition of Greg Constantine’s award-winning photographic series on statelessness, “Nowhere People” (www.nowherepeople.org) on Monday 15th September in the entrance area of the Peace Palace from 18.00pm.

In addition to the exhibition at the Monday evening reception, photos by Greg will be displayed in the main plenary area throughout the conference.

“Generations of stateless men, women and children all over the world struggle day after day to survive in societies most have been unjustly excluded from belonging to and also in a world that -for the most part - doesn’t even know they exist. They dream of and want to know when they too will have rights, opportunity and recognition. It has taken far too long for the international community to come together, look at itself and see and completely understand the enormous damage statelessness has on the human condition. The First Global Forum on Statelessness is groundbreaking and also long overdue.”

Nowhere People, the Global Face of Statelessness

Greg Constantine
Abstracts of Presentations

Please find a list of abstracts. The presenters are listed in alphabetical order;

**International Commercial Surrogacy: A Recipe for Stateless Children?**

**CLAIRE ACHMAD**
PhD Candidate, Department of Child Law, Leiden Law School, Universiteit Leiden, the Netherlands (currently based in New Zealand); Barrister and Solicitor of the High Court of New Zealand

Children are becoming stateless in new ways, violating their rights. This presentation urges understanding International Commercial Surrogacy (ICS) as a human rights challenge, provoking discussion of ICS as an intentional recipe for unintentionally stateless children. Why are children nowadays deliberately being born through methods causing statelessness, and what leads to statelessness in ICS? Can we prevent this? Cutting across the three Forum themes, these questions and others are discussed, taking a multidisciplinary approach with emphasis on international human rights law. Rights to nationality and identity under the Convention on the Rights of the Child are a key focus, and the intersection between domestic and international law and policy is traversed against a contextual understanding of the problem. Asia-Pacific case examples weave through discussion, counter-pointed by European experiences. Innovative, pragmatic, practical responses to prevent child statelessness in ICS are proposed; stopping statelessness growing through ICS is a new direction requiring urgent follow-up.

**Lebanese Persons with no IDs**

**JUDGE RANA AKOUM**
Judge, Litigation Body of the State, Ministry of Justice in Lebanon

My presentation tackles the subject of Lebanese persons with no IDs. It defines the concept of Lebanese persons with no IDs and analyses their different categories according to the pertinent Lebanese laws. It points out the reasons behind statelessness and its impact on these persons. Moreover, it sheds light on the national and international sources of legislation which consolidate their right to have a name, their right to birth registration, and their right to a nationality. The presentation, furthermore, focuses on the substantial and procedural conditions to obtain the Lebanese nationality and explains the respective methods of registration in the Lebanese Civil Status Register; administrative registration and judicial registration, along with the effects of registration; a distinction between the retroactive and proactive effect of registration, depending on the case in consideration. Finally, the presentation concludes with suggestions that attempt to enhance the right of registration to all persons.

‘I don’t belong to my mother’s country.’ Stateless in your mother’s country.

**ZAHRA ALBARAZI**
Researcher at the Statelessness Programme, Tilburg University

Drawing on experience from multi-sited field research on the issue of gender discrimination in nationality laws and statelessness, a discussion of the methodology of conducting qualitative interviews will take place. Looking at some of the difficulties in approaching the discrimination through a statelessness lens, this discussion will focus on some of the procedures of engaging with effected families in both empowered stateless communities and among some of the most vulnerable families. Practices of trying to form a bridge between advocates working in statelessness and advocates working on gender discrimination will be explored. Additionally, through an analysis of the interviews a discussion will take place on the way effected families conceptualize and understand their statelessness.
If Stateless, Displaced Inhabitants of Submerged Island Nations will be Refugees under Article 1(A)2 of the 1951 Convention
HEATHER J. ALEXANDER J.D.
Refugee lawyer (Formerly with the UNHCR), USA

JONATHAN A. SIMON PH.D.
Post-Doctoral Fellow, Tulane University, USA

Most scholars agree that displaced inhabitants of submerged small island nations will not qualify for refugee status under the 1951 Convention because climate change is not persecution. We argue that this conclusion is too hasty. We argue that Article 1(A)2 is best interpreted as granting refugee status to non-persecuted stateless persons who are unable to return to their country of former habitual residence. A closer examination of the text and the drafting history of the 1951 Convention, as well as current state practice, supports our interpretation. If displaced islanders are recognized as stateless and as unable to return to their former countries of residence, there is nothing to prevent them from qualifying as refugees.

'I don't have a pass': Exploring children’s perspectives on documents and belonging in Sabah, Malaysian Borneo
DR. CATHERINE ALLERTON
Associate Professor, Department of Anthropology, London School of Economics, UK

This presentation discusses some conceptual and methodological problems involved in trying to gain children’s perspectives on ‘statelessness’, when that concept is an unknown or meaningless one to them. It discusses recent ethnographic fieldwork in Malaysia with the children and grandchildren of Filipino migrants and refugees, thousands of whom are considered to be ‘at risk of statelessness.’ During fieldwork I discovered that most of these children were – rather than being ‘nowhere people’ – emphatically clear about their identities and places of belonging. The presentation will analyse some of children’s own stories, histories and photographs, arguing that the issue that most concerns children themselves is not ‘statelessness’ per se, but lack of appropriate identity documents, protection from detention, and various forms of exclusion. What light can this complex situation shed on understandings of citizenship and belonging? And how might children’s perspectives be better incorporated into our analytical and advocacy frameworks?

Safeguarding migrants’ rights in a human-oriented perspective: the case of Haitian descendants’ in Dominican Republic
PROF. TATIANA DE ALMEIDA FREITAS R. CARDOSO
Professor of International Law, UniRitter University, Porto Alegre (RS), Brazil

MS. NICOLE CARDOSO PAGANINI
Researcher, UniSEB University, Ribeirão (SP), Brazil

Modern society is marked by the interaction of people around the globe. Such scenario can be read through many lenses – especially on the human rights panorama, as it deals with the transit
of different people from many backgrounds, cultures, races, religions and so forth. In this venue, the XX and XXI centuries have been shaping a new type of duty to the state: to guarantee migrant’s fundamental rights based on Kant’s universal hospitality principle. This standard is based on the protection of freedom as a categorical imperative that must be fulfilled by states, from which several rules emanate, including equality and nondiscrimination.

From this perspective, International Law might be parting from a sovereignty-oriented to a more human-oriented set of rules. However, there is one issue that is currently drawing attention to Dominican Republic regarding the denial of rights to people, more specifically, to decedents of Haitian migrants, contradicting such view. This is the case brought before the Inter-American Human Rights System of two girls, whose nationalities were not acknowledged by Dominican Republic because of their Haitian ancestry, considering them stateless and imminently threatening them of being expelled from the country they were born in. Such case is paramount not only to show how states must deal with the hospitality standpoint, but also to show that a human-oriented approach encompasses the recognition of nationality as a fundamental right of the individual.

**Statelessness, Social Media and Political Agency. How Statelessness Entered the Political Public Space: A Kuwait Perspective**  
*DR. MOHAMMAD ALWUHAIB*  
PhD, Kuwait Centre for Active Citizenship in Kuwait

This paper aims to analyze the role of social media as an example of micro social transformations which goes unnoticed by many—transformations of the “forgotten”, so to speak, stateless individuals and their public spaces. My goal is to detect how political action might take a new form under conditions of globalization so it represents a threat to the highly official and formalized systems of society, given that stability is the objective of any political regime.

In other words, this paper analyzes how those forgotten stateless individuals, who lack any political agency, and therefore their powerlessness, might enter the public space and present themselves in a way that was exclusive to those who have political power, the citizens; how those who are socially isolated were able ‘make a crack’ in the formal system of power so they would create for themselves a new public space, social media, which would later become the necessary condition for their presence in the political scene. This paper draws on the concepts of ‘public space’ and ‘political action’ as it was explored in the works of Hannah Arendt. It also sheds some light on the objective conditions, thanks to globalization, which deepened the gap between individuals and their states. A special attention is given to “twitter” as it is the most influential form of social media in Kuwait (Kuwait has the highest number of users in the Arab World according to some studies). This paper ends with a description of the different challenges facing this new form of political agency.

**The “Parentage/Surrogacy Project” Of the Hague Conference on Private International Law**  
*MS. HANNAH BAKER*  
Senior Legal Officer, The Hague Conference on Private International Law

Historically, the issue of whom the law should identify as a child’s legal parent(s) was, in most States, relatively settled.
However, uncertainty has arisen in recent decades as a result of changing family patterns and advances in medical science. This has given rise to legal developments in many States, including in the law on parentage. These developments have not, however, been globally uniform. In an era of globalisation, when families cross borders with increasing frequency, differences in States’ domestic laws can give rise to complex questions of private international law concerning the establishment or recognition of children’s legal parentage. These questions implicate children’s fundamental rights, including, in certain circumstances, their ability to acquire a nationality. This presentation will explain the background to the “Parentage / Surrogacy Project” of the Hague Conference on Private International Law (see further, www.hcch.net) and the next steps currently under consideration by its Members.

From the right to a nationality to a right to be a citizen
PROF. DR. ERNST M.H. HIRSCH BALLIN
Professor of Human Rights Law (university of Amsterdam) and Professor of Dutch and European Constitutional Law (Tilburg University)

Since state and society cannot be viewed as separate from other states and societies, and human beings even less, the nationality should rather be defined in view of inclusion rather than exclusion (sc. of foreigners). The importance of this is corroborated by the experiences of worldwide migration in the twentieth and twenty-first centuries. A democratic constitutional state must be willing to grant the rights associated with nationality to those who are in that society the fellows of its established citizens. Without the right to reside in a country safely, remain there and participate in political decision-making – hence over the laws that apply to everyone – the protection of universal human rights will continue to be deficient precisely where it needs to be put into practice in people’s actual experience. Citizens’ rights are the essential connecting link between human rights and life “in a democratic society”. Combating exclusion from citizenship will enable citizens’ rights to be the cement of political and socio-economic life.

A Statelessness Law Clinic in the United States
DAVID C. BALUARTE
Assistant Clinical Professor of Law and Director, Immigrant Rights Clinic; Washington & Lee University School of Law

This presentation will share the findings of the first legal representation project for stateless persons in the United States. In 2013, the human rights clinic at American University initiated a pilot project to assist UNHCR in the design of an intake and referral procedure for the stateless persons, who have no status in the US and enjoy no legal protection. The goals of this project were to assist stateless individuals in addressing the legal challenges that they face, systematizing information about these challenges, and devising advocacy strategies and model advocacy documents. This presentation will provide an overview of the legal challenges faced by stateless persons in the United States; review some of the advocacy strategies that can be utilized to protect their rights; and describe the educational significance of doing this in the context of a law school clinic in the US.
Denationalization as Persecution in the United States

DAVID C. BALUARTE
Assistant Clinical Professor of Law and Director, Immigrant Rights Clinic; Washington & Lee University School of Law

This presentation will provide an overview of the situation of stateless asylum seekers in the United States and specifically explore the question of whether deprivation of nationality qualifies as persecution under US asylum law. This presentation will unfold in three parts. First, the presentation will describe the legal limbo that stateless persons in the United States often occupy, and the vulnerability that characterizes their existence both as a matter of law and fact. Second, the presentation will review the application of US asylum law to stateless persons, and specifically elaborate on the jurisprudence that has explored whether denationalization constitutes persecution under US law. Finally, the presentation will conclude with recommendations for legal representatives, adjudicators, and US government agencies on how to achieve a necessary, uniform recognition of denationalization as persecution under US law.

Why the media silence on statelessness?

EMMA BATHA
Journalist, Thomson Reuters Foundation

Rejected by the countries they call home and denied the most basic rights, stateless people are arguably the world’s most invisible people. This presentation looks at why the media is silent on statelessness and the challenges journalists face in covering the issue. I will discuss the reporting on statelessness by our global team, particularly stories on the Rohingya in Southeast Asia, and look at output by other media. What can campaigners learn from these examples about how to get journalists interested? Thomson Reuters Foundation is the charitable arm of Thomson Reuters, the world’s largest news and information service. The Foundation specialises in covering underreported stories.

Effective measures to solve problem of statelessness

MR. DOVRANGELDY BAYRAMOV
Chairperson, State Migration Service of Turkmenistan

The presentation outlines positive experience of Turkmenistan in solving statelessness focusing on identification, registration, documentation, ensuring rights and providing solutions. Cooperation with UNHCR and other stakeholders is also highlighted in the presentation. Forced Migration: irregular migration and displacement across borders, loss of citizenship, and the possibility of acquisition of nationality in host countries
Abstracts of Presentations

ADRIAN BERRY MA, MLITT
Barrister, Garden Court Chambers, London; Chair, Immigration Law Practitioners’ Association (ILPA), UK

A discussion of the role of forced migration and displacement across borders as a cause of statelessness and of the procedural solutions to the problems arising. Consideration is given to matters that render a forced migrant unable to secure recognition of his or her nationality when outside the state of nationality. The discrete problems this causes in the host country as regards recognition as a stateless person, immigration regularisation where the person is regarded as liable to expulsion, and as regards securing access to naturalisation in the host state, are addressed. It is argued that there is a need for tailored procedural safeguards in the host state to overcome these problems. Specific consideration is given to showing how international human rights instruments provide useful tools to assist Stateless persons forcibly displaced and to the issues that confront the children of such persons born on the territory of the host state.

The Protection of Stateless Persons: What is the Role for the European Union?
MS. GIULIA BITTONI
Ph.D. candidate, University of Burgundy (France) and University of Bologna (Italy)

Within the framework of the European Union (EU) there is no legislation which specifically targets statelessness. As a result, only a few EU Member States have specific legislation on statelessness determination procedure. Moreover, those procedures and the conditions for recognising stateless status differ from one other. Consequently, a person may receive different treatment depending on the Member State in which s(he) applies for recognition. In this regard, the case of Cuban emigrados is a pertinent example, as Italy recognises their stateless status, whereas other EU Member States deny it. This presentation focuses on concrete examples of statelessness determination procedures in the EU Member States, emphasising the consequences of the lack of uniform recognition of statelessness within the EU. It also aims to demonstrate the reasons why EU action in the field of statelessness is of fundamental importance in order to reduce statelessness and to protect stateless persons.

Correcting the Effects of Statelessness
PROF. BRAD BLITZ
Professor of International Politics and Deputy Dean, School of Law, Middlesex University; Senior Fellow, Global Migration Centre, Graduate Institute Geneva.

This paper presents the findings of two studies that sought to examine the long term impact of deprivation of citizenship on formerly stateless people. The findings illustrate both the costs of statelessness over time and the benefits that citizenship may bring, as regards to livelihoods, including health and education. The main conclusion of this paper is that statelessness is a structural problem which may be remedied by substantial and specific developmental interventions in addition to the reform of discriminatory nationality laws. By investing in human capital to strengthen livelihoods it is possible to reduce the gap created by past discrimination. The evidence included in this presentation will help provide a framework for targeting assistance to improve the lives of some of the 10 million stateless people worldwide.
Statelessness under Study: ‘Qayd il Dars’ Bedouin in Lebanon

PROFESSOR DAWN CHATTY
University Professor of Anthropology and Forced Migration, and Director, Refugee Studies Centre, University of Oxford.

Lebanon’s eastern borders shelter a significant stateless population. This area is home to a number of refugee communities (Palestinian and Armenian) as well as recently settled and displaced Bedouin from the 1967 June War. Many Bedouin in this region have utilized the semi-arid foothills and grazing areas for centuries. Their mobile residence pre-dates the creation of the state in the 1920’s. Yet their belonging is marred by decades of inconclusive legislation indicating either ‘citizenship understudy’ or papers indicating ‘no citizenship’ status. Thus barred from full citizenship for many years, the Bedouin community is increasingly entering into Lebanon’s politics, both local and national. Their status as Sunni Bedouin is also being exploited by the Lebanese consociational and sectarian political parties. This paper will examine the Bedouin multiple identities in the context of Lebanon’s varied citizenship categories. It will attempt to assess the significance of the Lebanese layered formal identities/citizenship categories as well as traditional cross border attachments.

Transnational and Interdisciplinary Collaboration on Statelessness: Case Studies in Africa

PROF. LARA CHEN TIEN-SHI
Associate Professor, Waseda University, Japan / Representative, Stateless Network, Japan

This presentation focuses on the efforts of specialists such as academics, lawyers, social activists, in response to the issue of statelessness. Modern states introduced systems of citizenship, which is necessary to receive social services. Being stateless is one of most serious forms of social exclusion. The aim of providing support to stateless people is to facilitate access to these services. Transnational networks of information on legal procedures as well as transnational cooperation are essential. Cultural, social and anthropological skills are also necessary. This presentation will discuss case studies of transnational and interdisciplinary collaboration in Thailand and Japan, as well as the network created in Asia, to explore what kind of collaboration is present to support stateless persons, and how it works. Furthermore, this presentation will discuss what kind of collaboration should be developed to respond to the issue in the near future.

“12-12-12” and the Political Mobilization of Stateless Malaysian-Indians

AMANDA CHEONG
PhD Student, Department of Sociology & Woodrow Wilson School of Public & International Affairs, Princeton University, USA

In 2012 and 2013, a series of high-profile rallies were staged by stateless Malaysian-Indians and their supporters at National Registration Department offices around Peninsular Malaysia. These demonstrations marked the emergence of an alternative strategy for advocating for the rights of stateless persons. Rather than remaining on the outside of the political sphere, stateless Malaysian-Indians deliberately risked making themselves and their legal statuses visible to a national audience, bringing the issue of statelessness to the center of the nation-building debate.
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The Human Rights of Stateless Rohingya

**MR. AMAL DE CHICKERA**
Senior Consultant on Statelessness, The Equal Rights Trust

The Rohingya, one of the most vulnerable minorities in the world, are stateless. Their statelessness is both a cause and consequence of the acute discrimination and persecution they face in their own country Myanmar, as well as in countries where Rohingya refugees have lived for many generations, including Bangladesh, Malaysia, Saudi Arabia and Thailand. Their lack of legal status and the absence of refugee and statelessness protection frameworks in such countries has added to the discrimination and insecurity they face. This presentation will highlight the key research findings of the Equal Rights Trust in these five countries, and identify common themes and challenges that need to be addressed. In doing so, it will also explore the overlap between the labels of refugee, statelessness and irregular migrant, and argue for a more holistic and integrated approach in promoting human rights protection.

Statelessness in Europe: Causes, perceptions, ways to overcome

**MR. BORISS CILEVIČS**
MP, Latvia; rapporteur on statelessness, Parliamentary Assembly, Council of Europe

Despite Europe has developed a regional legal framework for combatting statelessness, notably the European Convention on Nationality adopted by the Council of Europe in 1997, the number of stateless persons is almost 700,000. The roots of statelessness in Europe are related mainly to consequences of dissolution of states and to loss of nationality of immigrants and asylum-seekers. The Council of Europe has a strong track record in this field, also dealing with a number of concrete situations. Granting nationality to stateless people is perceived by many politicians with great reluctance, since it is seen by nationalists as political empowerment of “foreign” persons. The more so, active engagement and political will of parliamentarians is vitally important. The Assembly adopted a number of practical recommendations aimed at elimination of stateless with a special emphasis on mandatory registration of newborn babies of stateless parents as nationals of the country of birth.

Impact of law reforms on prevention & reduction of statelessness in Senegal

**MR. MOUSSA HABIB DIONE**
Magistrate, Acting Director of Civil Affairs, Ministry of Justice, Republic of Senegal

In 2013, Senegal passed a law (ref. n° 2013-05 – 8 July 2013) amending its nationality legislation. This law enables Senegalese women to transmit their nationality to their husband and to their children indiscriminately (including legitimate children, natural children and adopted children). Moreover, this law repealed a previous provision according to which other members of the family would be deprived of their nationality in case the head of the family is deprived of his for being convicted. This law has also abolished deprivation of nationality when this may cause statelessness.
Furthermore, a bill amending the 1968 law on refugee status is in the process of being adopted. The new law would include stateless people in the protection regime. These adopted or to-be-adopted legal measures will help prevent and reduce statelessness in Senegal. My presentation will explain this legal framework and its implications/consequences on statelessness.

**Left Behind: How Statelessness in the Dominican Republic Limits Children’s Access to Education**

*B. SHAW DRAKE, KIMBERLY FETSICK & TABITHA KING*

Researchers, Georgetown University Law Center, Human Rights Institute, United States of America

As awareness of statelessness rises internationally, it is increasingly important to understand its impact on the everyday lives of those without any effective nationality. Our presentation will focus on the gravity of the situation in the Dominican Republic, and in particular the impact of statelessness on children who are stateless or at risk of statelessness. Our research findings, published in April 2014, are based on dozens of interviews with affected persons, education professionals, service providers, and government officials in the Dominican Republic, as well as analysis of domestic and international law. Our primary finding is that due to their lack of citizenship and documentation, children born in the Dominican Republic who are stateless or at risk of becoming stateless face significant barriers to entry into the education system. Our findings vividly demonstrate that denial of citizenship leads to the violation of other fundamental rights, such as the right to education, and creates enormous hardships that are palpable, daily, and generational.

**Statelessness and the right to work**

*NINA VAN EGMOND*

Ph.D. Candidate, VU University, the Netherlands

According to the UN 1954 Convention, stateless persons lawfully staying in the territory enjoy the right to participate in wage-earning employment, self-employment, and liberal professions. This is an important acquirement of the Convention, although in real life, stateless persons rarely enjoy full access to the job market. Taking the position of stateless persons in the Netherlands as an illustrative case study, this lecture analyses how the right to work of stateless persons in crippled in practice. Through an inquiry into the meaning of labour and work – referring to Hannah Arendt’s concept of Vita Activa – and an emphasis on the interrelatedness of the right to work with other human rights, this presentation argues the moral obligation of nations to lift the obstructions that impede the right to work of stateless persons, and defends this against consequentialist objections that take the national interests of host countries into account.

**Reconceptualising Statelessness: Palestinian and Kurdish narratives and experiences**

*DR. ELENA FIDDIAN-QASMIYEH*

Senior Research Officer, Oxford Department of International Development, University of Oxford

Drawing on multi-sited research with Palestinians and Kurds in France, Italy, Sweden and the UK, this paper explores the ways in which interviewees conceptualise statelessness in the EU.
Through an analysis of interviewees’ narratives, the paper examines the relationship between individual and collective statelessness, highlighting the significance of homeland and citizenship(s), and the ways in which interviewees negotiate, embrace and/or reject the label of statelessness. The paper concludes with reflections on the academic and policy implications of listening to, and hearing, stateless persons own ‘voices.’

**Being Seen by the State: Statelessness, Visibility and Power in Thailand and Burma**

*AMANDA FLAIM, PHD*
Postdoctoral Fellow, Duke University, Sanford School of Public Policy and Social Science Research Institute, USA

*DAVID FEINGOLD, PHD*
Director, Ophidian Research Institute, USA & Thailand; Former Director (retired), Trafficking and HIV/AIDS Project, UNESCO Bangkok, Thailand

Despite characterizations of the stateless as invisible, evidence from integrated analyses of panel surveys and extended intensive ethnographic research among highland minorities in Thailand and Burma reveal that lack of legal status increases the visibility of minority populations as targets of repressive attentions of both state and non-state actors. This research illustrates the ways in which stateless peoples—and minorities in particular—are rendered visible and vulnerable to state power, often by programs paradoxically aimed to address and mitigate the terms of their exclusion. Consequences relating to differential access to state services such as education and health care are discussed, as are issues such as increased vulnerabilities to human trafficking and HIV/AIDS. The research calls for a shift of focus in the study and intervention of statelessness toward examining the policies, procedures, and practices that enforce and produce both statelessness and citizenship.

**Statelessness litigation**

*MR. MAXIM FERSCHTMAN*
Senior Legal Adviser, Equality and Citizenship, Open Society Justice Initiative.

There are approximately 12 million stateless persons worldwide, while at the same time there are the pillars of statelessness law such as the 1954 UN Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness as well as regional instruments. And yet there are relatively very few cases brought before international tribunals on statelessness. The reason for this is that firstly the law is not as straightforward so as to allow easily making hard and clearly compelling arguments. Furthermore stateless persons find themselves in a vicious circle of vulnerability when confronting the State in court to be recognised as stateless and to avail themselves of the protections they should be entitled to. The litigation session will explore opportunities and possible strategies for using litigation more effectively to protect stateless persons.
The establishment of denationalisation as ‘persecution’, for purposes of the 1951 Convention relating to the Status of Refugees, in the United Kingdom: the extent of current recognition and subsisting questions

ERIC FRIPP
Barrister, Lamb Building, Elm Court, UK

In the United Kingdom, the decisions in EB (Ethiopia) v SSHD [2007] EWCA Civ 809; [2009] QB 1 and MA (Ethiopia) v SSHD [2009] EWCA Civ 289; [2010] INLR 1, establish that the protective scope of article 1A(2) Refugee Convention is likely to be satisfied by arbitrary deprivation of nationality, where this is coupled with exclusion, results in de jure or de facto statelessness, and is undertaken by reason of a relevancy. This leaves some issues still to be resolved, including the scope of ‘arbitrary’ treatment, whether arbitrary denationalisation without expulsion/exclusion leads to qualification as a refugee, and whether the principles applicable in relation to denationalization extend to expulsion/exclusion of a resident alien. Further the presentation asks whether there is a risk that positive developments may be offset or reversed by increased resort to deprivation of nationality by developed countries.

The Challenges of Nationality Verification of the Child in Japan

MS. YUE FU
Associate Professor, Ibaraki University; Committee member, Stateless Network, Japan

This presentation is to address the challenges of nationality verification of the child born in Japan. Although it is understood that the child shall have the right to acquire a nationality at birth, however in reality, many children are left in limbo. There are various important situations, such as at birth registration, acquisition of a status of residence or acknowledgement of paternity, where nationality determination of the child has actually taken place. Nevertheless, the study reveals that inconsistent nationality determination of the child is conducted in different occasions due to lack of common legal standards of nationality verification or statelessness determination. The wrong registration of the child’s nationality, together with a failure in statelessness determination of the parents, that hinders the child to acquire Japanese nationality even he or she is entitled to, affects child’s development and its life, and may create a protracted situation of statelessness beyond generations.

Statelessness from the Perspective of diasporic Palestinians

DR. NELL GABIAM
Visiting Researcher, Center for Contemporary Arab Studies, Georgetown University, Washington DC, U.S.A.

In my presentation, I will analyze UNHCR’s recent effort to combat statelessness by drawing on fieldwork conducted in summer 2012 among Palestinians of various ages, genders, and legal statuses living in France. During the fieldwork, I used a flexible understanding of statelessness that allowed for individuals to define the term according to their own experiences and perceptions. I will reflect on the extent to which the views of my Palestinian interviewees on statelessness reaffirm or question UNHCR’s understandings of statelessness.
I will show that, on the one hand, my Palestinian interviewees acknowledged that a sovereign Palestinian state would confer “legitimacy” and “recognition” onto Palestinians. On the other hand, almost all of them rejected the label “stateless” as a designation for the Palestinian people. Indeed, many of them viewed the term “stateless” as a demeaning one that did not accurately reflect their reality.

**Birth registration and children’s rights: a complex story**

*DR. JACQUELINE GALLINETTI*
Director of Research and Knowledge Management, Plan International

*MARY LAGAAY*
Researcher, Plan International

This session will showcase the key findings from Plan International’s pioneering research Birth registration and children’s rights: a complex story. Whilst birth registration is a stand-alone right under the UNCRC, it has also been linked to an array of other rights and benefits, such as securing a child’s access to essential services and protecting children from abuse and exploitation. However, there is a lack of available empirical research exploring the effects of birth registration and how it benefits children in practice. This led Plan International to commission a study to investigate the benefits of birth registration for the individual and for the state. The research utilised qualitative and quantitative methods and focused on India, Kenya, Vietnam and Sierra Leone as case studies. The findings provide a rich and complex picture of the relationship between birth registration and children’s rights, in particular with regards to legal identity, access to services, child protection and governance.

**Realising the right to birth registration to prevent statelessness in Africa**

*MR. AYALEW GETACHEW ASSEFA*
Legal Researcher, Secretariat of the ACERWC, African Union Commission, Addis Ababa, Ethiopia

The African Committee of Experts on the Rights and Welfare of the Child, in April 2014, adopted a General Comment on Article 6 of the African Charter on the Rights and Welfare of the Child. Notwithstanding its heading (Name and Nationality), Article 6 recognizes three interlinked rights namely the right to a name (Art 6 (1)), the right to birth registration (Art 6 (2)) and the right to a nationality (Art 6 (3)). Taking birth registration as one of its major focuses, the General Comment provides for the meaning, scope and significance of the right to birth registration. It explains the act of birth registration makes a child a legal personae recognized by the state as such and therefore entitles him/her to numerous services he/she would never have access to if he/she had not been registered. Non-registration of a child therefore makes him/her invisible to the state and subject him/her to various abuses of his/her rights. Particularly there are groups of vulnerable children who run the risk of becoming stateless if they are not registered. These groups include refugee children, internally displaced children, children born to parents belonging to some marginalised ethnic minority groups, children with undocumented status, abandoned children, children born to nomadic indigenous groups, etc. Focusing on the explanations and principles enshrined in the General Comment, the presentation argues on the one hand that the right to birth registration...
gives documentary evidence essential for a vulnerable child to acquire nationality and hence avoid the risk of becoming stateless. On the other hand the presentation demonstrates that without the strict respect of state obligations appertaining to the fulfillment of that right, vulnerable children are likely to become stateless.

Towards Inclusive citizenship: Martians at home; a case of the Kenyan Somalis
MS DIANA GICHENGO
Program advisor, equality and non-discrimination, Kenya human Rights Commission (KHRC), Kenya

Citizenship is about ensuring that all human beings live in the territory of one state/nation or another; however States are increasingly elusive in granting citizenship. Research has shown that communities living at insecure borders of states are at a higher risk of being stateless.

The presentation will illustrate how State attitudes affect the right to citizenship in spite of it being the law on Citizenship being expressly laid down (by the Constitution of Kenya). It will proceed to illustrate the precarious situation facing Kenyan Somalis’ with regard to nationality. It will offer a trajectory on how the history of formation of states and ethnicity has put some communities at the risk of being stateless. The second part will look at the specific interventions that have been taken to secure the right to Nationality of the Kenyan Somalis by the KHRC, the successes, challenges and proposed future interventions.

Canada’s efforts to restore or extend citizenship to “lost Canadians”
MS. NICOLE GIRARD
Director General of Citizenship and Multiculturalism
Policy Branch at Citizenship and Immigration Canada

Canada’s previous Citizenship Act of 1947 created challenges with regard to the non acquisition or loss of Canadian citizenship in a range of circumstances. These circumstances included the ineligibility of some children born to a Canadian parent to acquire Canadian citizenship, and the automatic loss of citizenship in other situations including acquisition of another nationality, or failure to apply to retain Canadian citizenship for those born abroad. In 2009 and 2014, retroactive legislative amendments were made to the Citizenship Act to correct these situations, to extend Canadian citizenship automatically by operation of law to some who had never acquired it, and to restore Canadian citizenship to others who had lost it. This presentation will briefly outline the Canadian experience with these policy challenges and recent successful implementation of legislative remedies.

Birth Registration and Statelessness in the Americas
PROF. FELIPE GONZÁLEZ
Rapporteur on migrants, refugees and statelessness persons, Inter-American Commission on Human Rights

The presentation will provide an overview of the current situation of birth registration and statelessness in the Americas, addressing recent developments and existing problems and challenges. For this purpose, pertinent provisions of treaties at the Inter-American System of
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Human Rights will be analyzed, as well as legislation and jurisprudence of key countries on this matter. The presentation will also describe recent and current initiatives undertaken by the Inter-American Commission and Court of Human Rights in connection to this topic.

Addressing Statelessness through Legal Empowerment: Community-Based Paralegal Pilots in Kenya and Bangladesh

MS. LAURA GOODWIN
Program Manager, Namati

MS. LAURA BINGHAM
Legal Officer, Open Society Justice Initiative

MR. KHALID HUSSAIN
Founder & Chief Executive, Council of Minorities, Bangladesh

MR. MUSTAFA MAHMOUD YOUSIF
Project Administrator, Nubian Rights Forum, Kenya

Over the past two years, OSJI and Namati have jointly planned and implemented two pilot projects, embedded in strategically selected national settings, employing a legal empowerment methodology as a means of addressing the causes and consequences of statelessness. Specifically, we have worked with local partners – the Nubian Rights Forum in Kenya and the Council of Minorities in Bangladesh – to train community-based paralegals to assist populations that are stateless, at risk of statelessness or emerging from a protracted situation of statelessness, to access nationality and enjoy the full protection of the law, including international human rights instruments and norms operative within the domestic sphere. We also carefully track each case to uncover and combat persistent state discrimination in access to critical proof of nationality. The panel will focus on this methodology as a response to statelessness, including as a tool for identification, prevention, reduction and eradication.

Birth Registration Denial in China

MS. STEPHANIE GORDON
Ph.D. Candidate, University of Leicester, UK

Statelessness literature recognises that denial of proof of citizenship can render certain minority groups de jure stateless. However, denial of proof of citizenship towards non-minority persons, without gender discrimination has yet to receive attention. My paper addresses the issue of punitive denial of identity documentation with special attention to practices in China. In my research I look at three groups of children denied birth registration, and thus a legal identity, as a result of state punishment towards their parents. This affects over 13 million children in China. I draw on my fieldwork interviewing experts helping these children, as well as on existing research in the legal, demographic and sociological domains.

I will discuss the children’s access to state resources, and the implication of birth registration denial to their nationality. I argue punitive denial of birth registration is a systematic problem in
China, which renders children at risk of statelessness. As all identity documentation and proof of citizenship is linked to birth registration in China, these children are particularly vulnerable. In conclusion, this paper sheds light on an under-researched area in both the Chinese studies field, and study of statelessness and identity documentation.

**Exploring the utility of statelessness determination**  
*MR. STANS GOUDSMIT*  
Commissioner Netherlands Institute for Human Rights

The Netherlands signed and ratified both the Convention on the Status of Refugees and the Convention on the Status of Stateless Persons mid last century. They offer refugees and stateless persons protection and access to fundamental human rights. To be given access to these rights it is first necessary to identify who is a refugee or a stateless person. Legal safeguards have since then been adopted at national and European level to establish who qualifies for the status of refugee. This in contrast to the lack of binding rules for identification of stateless persons: until today, The Netherlands has no statelessness determination procedure. In her contribution Stans Goudsmit will examine which regulations are available both at national and local level to decide who is stateless and who is not. The question to be answered is whether these regulations offer sufficient guarantees to the individual to access the protection and human rights the Convention offers. And whether the Dutch government complies with the obligation subsequent to the signing of the Convention, namely realizing the rights of stateless individuals to the full.

**Statelessness: An Emerging Paradigm of International Protection**  
*MR. GÁBOR GYULAI*  
Refugee programme coordinator, Hungarian Helsinki Committee / Chair of the Steering Committee, European Network on Statelessness

Many non-refugee stateless migrants are in need of international protection. Nevertheless – unlike in refugee law – the protection provisions of the 1954 Convention have not yet given rise to a complex and functioning international protection framework. Recent years have finally witnessed a growing body of relevant doctrine, jurisprudence and academic literature, as well as a modest proliferation of positive state practices. The presentation, based on years of research, advocacy and training work, will outline how statelessness has become a paradigm of international protection, with focus on: 1) Why statelessness remained out of the mainstream of international protection for decades; 2) The main shortcomings of the international protection framework; 3) Good practices and gaps in state response; 4) Perspectives of creating a real “protection space” for stateless persons. The presentation will combine a focus on paradigms and the conceptual framework with a practice-oriented introduction to the most recent developments at a global level.
Statelessness as a consequence of deprivation of nationality on grounds of national security and terrorism.

ALISON HARVEY BA (OXON.) MA
Legal Director, Immigration Law Practitioners’ Association, United Kingdom

A study of the impact of national security concerns on the application of international law on statelessness. State practice is examined, including use of the terms ‘national security’, ‘vital interests’ and ‘terrorism’ as justification for deprivation of nationality. Protection against statelessness available in deprivation cases under international law is considered, including under universal and regional human rights instruments, the 1961 Convention and regional instruments. The impact of statelessness resulting from deprivation on national security grounds is addressed, both on diplomatic and consular relations between States and on stateless persons insofar as they are excluded from the protection of particular areas of international law. It is argued that cases of statelessness resulting from deprivation on national security grounds threaten to undermine broader work eradicate statelessness and encourage restrictive interpretations of human rights norms and of duties of States to further the right to a nationality and to prevent statelessness.

From Citizen to Foreigner: Haitian Civil Society and its Responses to the Impact of the Constitutional Court Ruling of September 23rd 2013

MRS EVE HAYES DE KALAF
Programmes Coordinator, The Haiti Support Group; PhD Candidate, Centre for Citizenship and Rule of Law, University of Aberdeen

Following the 2010 earthquake in Haiti, international organisations emphasised the interconnectedness of the country with its neighbour the Dominican Republic (DR) and signalled the aftermath of the disaster as an opportunity for the two nations to improve their complex and often acrimonious relations. The recent decision by the DR Constitutional Court to retroactively rescind the nationality of Dominican nationals who – it was decided – were “in transit” at the time of their birth and as such not eligible for automatic birthright privileges was met with widespread condemnation. The DR authorities however have made concerted attempts to shift the focus away from an issue concerning Dominican citizens and their right to a nationality to that of a migratory matter involving undocumented and illegal Haitian (i.e. “foreign”, non-Dominican) workers. Thus far there has been a notably muted response from the Haitian authorities despite greater emphasis placed on Haiti due to its weak and often informal civil registry system. This paper analyses reactions in Haiti to the ruling and the legislative proposal approved by DR Congress in May 2014. It also examines how an entrenchment of political and economic interests on the island has led to varying reactions from both Haitian and Dominican civil society, the authorities, international non-governmental organisations and others. The paper concludes with recommendations for improved binational dialogue between Haitian and Dominican civil society with regards to tackling this issue.
The naturalisation process in Tanzania: durable solution or path to statelessness?

DR. LUCY HOVIL
Senior Researcher, International Refugee Rights Initiative, UK

In Africa, it is rare for host countries to offer citizenship to groups of refugees. Instead, repatriation is typically favoured as the most desired “durable solution.” Therefore, Tanzania’s decision in 2008 to offer naturalisation to approximately 200,000 Burundian refugees who had fled their country in 1972 was widely welcomed. Yet six years later, the results are hardly a success story. Not only are those who opted for naturalisation not well integrated, they may have become stateless: they renounced their Burundi nationality yet have not yet received their Tanzanian citizenship certificates. Why did such a promising initiative founder? How can we understand the political factors that allow a refugee to integrate, or not? The paper will explore the role of the (re)negotiation of the bond of citizenship as part of the promotion of durable solutions and the risks of statelessness where this fails.

ASEAN Nationality Laws and the Prevention and Reduction of Statelessness

MS. SANGITA JAGHAI
Tilburg University, the Netherlands

MS. BONGKOT NAPAUMPORN
Bangkok Legal Clinic, Thammasat University, Thailand

MR. NICHOLAS OAKESHOTT
Regional Protection Officer (Statelessness), Regional Coordinator’s Office for Southeast Asia, UNHCR

More than 40 per cent of the world’s stateless population currently identified are living in ASEAN Member States. No ASEAN Member State has acceded to the 1961 Convention on the Reduction of Statelessness. To explain this low level of accession it is sometimes argued that the 1961 Convention is not appropriate to the context of Southeast Asia. However all ASEAN Member States are Parties to CEDAW and the CRC, which include legally binding norms that prevent and reduce statelessness. In addition the ASEAN Human Rights Declaration, adopted in November 2012, contains an articulation of the right to a nationality. This paper will set out the key findings of a study of the nationality laws of ASEAN Member States by reference to benchmarks and indicators derived from global treaty standards, including the 1961 Convention. It will argue that key provisions of the nationality laws of many ASEAN Member States aim to prevent and reduce statelessness, in line with the object and purpose of the 1961 Convention. It will also consider a number of key reforms to nationality law that several ASEAN Member States have taken to resolve statelessness. On the basis of this evidence, it will discuss the role of global standards, nationality law reform and implementation in past and potential future efforts to prevent and reduce statelessness in Southeast Asia.
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JOCELYN KANE
Founding Director of the Canadian Centre for Statelessness, Toronto, Canada

To explore notions of knowledge production and narratives of truth surrounding statelessness in Canada, this study employs a mixed quantitative and qualitative methodology to a media analysis of 616 newspaper articles from Canada’s two largest national newspapers, The Toronto Star and The Globe and Mail. Within a social constructivist analytical framework, it finds that using citizenship as a tool to divide ‘us’ from ‘them’, statelessness is constructed in such a way that reinforces power relations between those who belong in Canada and those who do not. This divide is achieved via the construction of the stateless person as the ‘other’ in Canadian society and the ill-recognition of statelessness as a phenomenon in and of itself. Thirdly, the construction of statelessness contributes to a blurring of the definitional clarity of statelessness, further complicating our understanding of statelessness as a separate and distinct form of status in the Canadian context.

Analysis of the Relationship between the Legal Frameworks for Stateless Persons and for Refugees: Examining the Nationality Status of Indochinese Refugees and Available Solutions in Japan
MS. MAI KANEKO-IWASE
Legal Associate, UNHCR Japan (presenting her personal research project)

Indochinese refugees (who represent the largest refugee caseload in Japan) interviewed have systematically claimed that many within their community have been denied confirmation of their citizenship by their respective embassies for having left as refugees. Recognising statelessness of refugees may not only be important in view of the possible future cessation of their refugee status, but also for their (children’s) enjoyment of provisions for the prevention and reduction of statelessness. This is particularly true in Japan where the legal framework for stateless persons is stronger than that for refugees in terms of nationality, which has nonetheless been under-utilized in part because of the lack of awareness about some refugees also being stateless. Further, as a refugee’s statelessness sometimes only comes to the surface years after refugee recognition, the design of and the relationship between statelessness determination procedures and RSD may need to take this issue into consideration.

Why Statelessness Matters 10 Years after al Kateb v Godwin [2004]
HCA 37: An Australian Story
MS. SUSAN KENNEDY
PhD candidate, University of Adelaide, South Australia; student of Juris Doctor, University of Southern Queensland, Australia and Kuwait

Statelessness is an international issue that should matter to Australian lawmakers. This year is the tenth anniversary of the decision on al Kateb v Godwin [2004] HCA 37, a landmark case in Australian migration law. Australia is a party to the Convention on the Status of Stateless Persons (1954), but government has proven reluctant to make changes to the domestic law to implement
the Convention. As I will explain, procedures to determine and monitor the stateless population in Australia and those living elsewhere under the care of the Minister for Immigration and Border Protection, are urgently required. The United Kingdom’s implementation of such procedures in April 2013 was an opportunity for Australia to respond with similar law reform. Rather, the Australian approach continues to criminalise stateless people. Ten years on from al Kateb (v Godwin [2004] HCA 37), it appears little has been learned about Australia’s stateless population.

**Louis Henkin and the Shaping of the UN Conventions on Refugees and the Stateless**
*PROF. LINDA K. KERBER*
May Brodbeck Professor in the Liberal Arts and Professor of History, Emerita, Lecturer in Law University of Iowa, United States

When the UN’s Ad Hoc Committee on the Status of Refugees and Stateless Persons was formed in 1950, the US State Department, knowing that the US would neither sign nor ratify any convention that resulted from its work, assigned to the Committee a very junior bureaucrat, conveying that he could expect merely to be a placeholder. But Louis Henkin engaged fully in the debates from the very first day; indeed, the US State Department conveyed instructions throughout. In 1950 Henkin was 33 years old; when he died 60 years later he would be internationally admired as one of the most distinguished human rights lawyers of his time. Simultaneously, the UN Commission on the Status of Women, whose US representative was the experienced lawyer Dorothy Kenyon, was raising the problem of married women’s exposure to statelessness in nations that did not recognize the integrity of married women’s citizenship.

**Recognizing Statelessness: Issue Emergence and the International Human Rights Agenda**
*DR. LINDSEY N. KINGSTON*
Assistant Professor of International Human Rights, Webster University, USA

Despite international laws guaranteeing the right to a nationality, statelessness remains a pervasive global problem that has been termed a “forgotten human rights crisis.” The issue highlights an important question for scholars that has not yet received enough attention: Why do some issues make it onto the international agenda while others do not? This study examines the characteristics necessary for successful issue emergence, or the step in the process of mobilization when a preexisting grievance is transformed from a problem into an issue. The first phase of this research uses qualitative data from interviews with 21 decision-makers at leading non-governmental organizations to uncover shortcomings in the existing literature and to provide recommendations for advancing statelessness’ emergence. The second phase of this research, currently in progress, considers recent developments in order to better understand the issue’s limited emergence and to offer recommendations for attaining more widespread attention.
Collaboration between European NHRI on Statelessness

DEBBIE KOHNER
Secretary General, European Network of National Human Rights Institutions (ENNHRI), Belgium

The European Network of National Human Rights Institutions (ENNHRI) comprises nearly 40 national human rights institutions (NHRI) from across wider Europe. NHRI are state funded bodies, independent of government, that have a broad mandate to promote and protect human rights in their jurisdiction, by reference to international human rights standards. Through ENNHRI, European NHRI share information and experience on the human rights situation in their own jurisdictions, which raises capacity and nurtures a deeper understanding of human rights issues affecting the entire European region. ENNHRI’s Asylum and Migration Working Group brings together European NHRI staff members with expertise in this area. Over the last year, it has committed time to collaborating on the issue of statelessness, through capacity building, sharing of experiences and drafting a position paper with recommendations to address the ongoing challenges faced by stateless individuals in Europe.

Identification, prevention and reduction of statelessness situations in Cote d’Ivoire

MR. PAUL BROU AMOIKON KOREKI
Technical Adviser of the Minister of Justice, Human Rights and Public Liberties, Republic of Cote d’Ivoire – Project Manager, Joint UNHCR-Ministry of Justice Program against Statelessness

Some factors may cause new situations of statelessness:
• Creation of a state from a newly independent territory
• Armed conflicts

Experience has shown that this first factor often comes along with gaps in the legislation on birth registration and nationality. Armed conflicts also increase the risks of statelessness. One of those risks happens when, for instance, people flee from their homes without any sort of documentation on them. Cote d’Ivoire recently became independent and faced armed conflicts as well. It was therefore very likely that statelessness situations would arise among its population. This was confirmed by fact-finding missions on the field, which served as a basis to develop and implement strategies to reduce and prevent statelessness in Cote d’Ivoire.

Resolving statelessness in Serbia through determination of nationality

MS. IVANKA KOSTIC
Executive Director, NGO Praxis in Serbia

The Serbian Nationality Act prescribes a procedure for determination of nationality of persons not registered in the records of citizens although they fulfilled the requirements for acquisition of the Serbian nationality by operation of the law at the time of their birth. Both adults and children whose birth is not registered are of undetermined nationality. This also holds for persons whose birth was registered in due time or subsequently, in case their nationality was not recorded at the same time, despite the available evidence on their parents’ nationality. After they provide the relevant evidence, the Ministry of Interior will issue a declaratory decision based on which they will
be registered as nationals and considered as such since birth. Although the procedure contributes to resolving statelessness, the persons unable to provide evidence of their parents’ nationality cannot benefit from it. Finally, in case they fail to naturalize they will remain stateless.

**Status of Latvian non-citizens: trying to compare apples to pears**

*MS. DR. KRISTINE KRUMA*
Judge of the Constitutional Court of Latvia, visiting lecturer at the Riga Graduate School of Law, Latvia

The prevention of statelessness can have multitude of forms. Latvia is a specific example. After regaining independence de facto it had to deal with a large number of immigrants who neither qualified for Latvian citizenship according to State continuity principle and Geneva Convention, nor they opted for citizenship of any other State. In order to find a compromise Latvia created the special non-citizen status. The concept has been explained by courts and doctrine. However, it still causes confusion internationally whereas non-citizens are categorized as stateless, refugees, migrants, asylum seekers, trafficked persons etc. The aim of the presentation is to explain that Latvian non-citizens are a special category. Latvian position will be explained and recent legislative changes in the Citizenship Law will be outlined. Finally the problem why the status of a non-citizen has turned from temporary to permanent and the lack of incentive to apply for Latvian citizenship will be revealed.

**Stateless persons ought not to be ignored as refugees**

*PROF. HELÈNE LAMBERT*
Professor of International Law, University of Westminster, Law School, London, United Kingdom

The 1951 Convention/1967 Protocol relating to the Status of Refugees provides opportunities for stateless persons to be recognized as refugees. My presentation will examine whether discrimination and arbitrary deprivation of nationality, either on its own or when taken with other forms of harm, amounts to persecution for the purpose of Article 1A(2) of the Refugee Convention in the jurisprudence of national and international courts worldwide. This is an important question because the absence of determination procedures and a protection regime specifically for stateless persons in many jurisdictions makes refugee and/or complementary protection the only options.

**Protecting the stateless from arbitrary detention**

*MR. BEN LEWIS*
Advocacy Coordinator, International Detention Coalition

*MR. AMAL DE CHIKERA*
Head of Statelessness and Nationality Projects, The Equal Rights Trust

The vulnerability of the stateless is most evident in the context of detention. Administrative detention of the stateless represents a growing human rights challenge worldwide, despite detention only being permitted as a matter of international law where it is an exceptional measure of last resort. Yet in reality, detention of the stateless is commonplace in many countries from all regions of the world. Such detention is often unnecessary and unreasonable; at worst it is arbitrary
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and degrading. This presentation seeks to clarify the international law and guidance regarding unnecessary, arbitrary and unlawful detention of stateless persons, while also suggesting a practical way for states, UN and civil society organisations to effectively work to end the practice.

A Pilot Study Exploring the Impact of Statelessness on Child Development and Family Relations
DR. MAUREEN LYNCH
Independent Humanitarian Advocate

The year 2014 marks the 60th anniversary of the 1964 UN Convention on the Reduction of Statelessness and as well as the 20th anniversary of the International Year of the Family. While a broad-based awareness of statelessness and the general socio-economic effects it has on communities is on the rise, very little is known about the less-visible impact this condition has on individuals and families. To explore this topic, a short questionnaire was developed and pilot tested with a limited group of affected persons (n=10). This presentation highlights the findings from the research and particularly addresses the perceived impact of childhood statelessness on individual human development as well as some of the ways statelessness affects family relationships. Policy recommendations are also offered.

Nationality, migration and statelessness in West Africa
BRONWEN MANBY
Independent consultant; Visiting fellow, London School of Economics Centre for the Study of Human Rights.

This presentation will report on a study financed by UNHCR and IOM and prepared for a ministerial meeting on statelessness in West Africa to be hosted by ECOWAS in Abidjan, Côte d’Ivoire in September 2014 (just before the Global Forum), focusing especially on the management of nationality in the context of the legal frameworks providing for free movement among the ECOWAS countries. The research covered all 15 countries of the Economic Community of West African States, with field trips to five of them, and identifies common themes and differences in the letter and implementation of nationality law, and in related systems including especially civil registration. The research highlighted populations most at risk of statelessness in the region, including frontier and nomadic populations, migrants and their descendants, refugees and former refugees, victims of trafficking and children born out of wedlock. It made recommendations to ECOWAS and its member states for action at regional and national level.

Recent developments in Africa
BRONWEN MANBY
Independent consultant; Visiting fellow, London School of Economics Centre for the Study of Human Rights.

There have been some exciting recent developments at the African Union in relation to standard setting on the right to a nationality. This presentation will report on the nationality provisions of the recently adopted General Comment on Article 6 of the African Charter on the Rights and Welfare of
the Child, as well as on the resolutions adopted by the African Commission on Human and Peoples’ Rights in 2013 and 2014 endorsing the concept of a protocol on the right to a nationality to the African Charter on Human and Peoples’ Rights. If time allows, there will be a wrap-up of other significant recent developments at national level across the continent.

Sea-Gypsies in Nature Resort City: Between the Devil and the Deep Blue Sea
SANEN MARSHALL
Senior Lecturer at the Centre for the Promotion of Knowledge and Language Learning, University Malaysia Sabah, Malaysia

 DEVI KUSARDY COX
Convener of an arts performance group in Sabah, Malaysia

The presence of under-documented Malaysian Sea Gypsies on east coast Sabah further complicates a situation that is at once internationally touristy and nationally securitised. The situation has been further compounded by the movement of Sea-Gypsies inland to the state capital of Sabah, a city known as ‘Nature Resort City.’ This presentation thus considers the plight of Sea Gypsies from the points of view of governmental agencies, the tourism industry and some Sea Gypsies themselves. It considers the link between the enforcement of marine conservation on east coast Sabah and the movement of the Sea Gypsies inland, where a documentation-or-detention regime has crystallised in conjunction with the deteriorating security situation. The presentation thus draws out the colossal conflict between state security and human security as we track the experiences of a couple of Sea Gypsy families who are at once stateless and boatless.

Pathways to citizenship: Roma from ex-Yugoslavia in Italy
MR. RICCARDO MATTEI
Seconded national adviser, Support Team of the Special Representative of the Secretary General for Roma Issues, Council of Europe, France.

The presentation will provide an overview about the situation of Roma people originating from the Balkans and born or habitually residing in Italy. A significant proportion of Roma people who came to Italy from the former Yugoslavia in the 1960s and 70s and during the war in the 1990s still live in Italy today without Italian or any other citizenship. Many of them are either stateless persons without any legal status or undocumented persons at risk of statelessness. They suffer from a lack of rights and have limited access to social services, health care, housing or employment. The reasons for this situation are related to the restrictive legislation of both Italy and the States stemming from the breakup of what was Yugoslavia concerning citizenship, statelessness and immigration. In addition, the lack of knowledge and awareness by Roma people, NGOs and relevant authorities of the issues concerning the protection of stateless persons and access to obtaining legal status has a detrimental effect.
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Representing stateless persons under the new SDP in the UK: a novel project at Liverpool Law Clinic
FRANCES MEYLER
Co-Director, Liverpool Law Clinic, School of Law and Social Justice, University of Liverpool, UK

This presentation showcases a model for representing stateless clients in a law clinic setting. The statelessness project at Liverpool Law Clinic involved law students in representing stateless persons under the close supervision of experienced immigration lawyers. The presentation explores the teaching, supervision and assessment methods developed in representing stateless clients, as part of an assessed optional third year undergraduate law degree. It also explores some of the emerging themes in the UK's new Statelessness Determination Procedure. The presenter will also talk about her experience of introducing statelessness concepts to very young primary school children (aged 4-5 years).

Children in Irregular Situations: Breaking the Cycle of Statelessness in Malaysia
RODZIANA MOHAMED RAZALI
Ph.D. Candidate, National University of Malaysia, Malaysia

Statelessness in the contemporary age is largely a migratory phenomenon in many countries, including Malaysia. Cross-border migration, for labour-related or humanitarian reasons, has created and sustained a significant number of undocumented children. These children, normally living in irregular situations outside the countries of their parents' nationalities are even at greater risk of statelessness than their parents. Having no birth certificates or identity documents to prove their birth place and parental links, the prospect of getting citizenship for them is extremely remote. With the central issue of their non-existence not being addressed, they are scarcely and inconsistently included in the national protection system and policy. This highly vulnerable group of children will continue to spawn for many generations to come while the country increasingly seeks to rely heavily on foreign labour workforce in meeting its aspiration to become a high-income nation by 2020 and beyond. Going on the basis that there is significant value to be found in focusing on children initially in order to break the intergenerational cycle of statelessness, this article shall explore the benefits and challenges of the prevention of statelessness amongst such children towards the reduction and elimination of statelessness in Malaysia.

Durable solutions for stateless people: naturalisation and resettlement
DR. TAMÁS MOLNÁR
Head of unit, Ministry of Interior, Department of EU Cooperation, Unit for Migration; Adjunct professor, Corvinus University of Budapest, Institute of International Studies

Durable solutions for stateless persons are different from those for refugees, with common elements. These are (facilitated) naturalisation and resettlement. The presentation will first analyse the international law framework relating to their (facilitated) naturalisation (1954 New York Convention, UNHCR ExCom Conclusions, the 1997 ECN and regional soft law). When mapping the current state of international law and State practice in this regard, I will assess the perspectives of an emerging norm, i.e. the right to be considered for naturalisation. Secondly, I will focus on
resettlement of non-refugee stateless persons, which is a scheme extrapolated from refugee law. In some circumstances, addressing protection problems of stateless may require solutions outside the country of habitual residence. The analysis will show that there is no binding international instrument on the resettlement of stateless people, being still an advocacy tool used by UNHCR. Overall, I will pinpoint that the main durable solution for stateless people is acquisition of nationality, thus resettlement of non-refugee stateless persons is a subsidiary and special means for getting them out of the legal limbo.

Facilitated Naturalization of Stateless Persons

*MGR. EVA MREKAJOVA LL.M.*
Intern and researcher, Vaša Prava BiH, Sarajevo, Bosnia and Herzegovina

Naturalization of stateless persons falls under the broader problem of statelessness, which is nowadays drawing more and more attention. However, the issue of facilitated naturalization of stateless persons stays still grossly overlooked. The presentation tries to identify international and European standards and general recommendations related to facilitated access to citizenship for stateless persons. It focuses in particular on assessment of material requirements (residence, language and other integration requirements, good character, economic resources requirements, loyalty to the State and security) and procedural aspects of naturalization (application, proceedings).

Litigating in the void – The role and relevance of strategic litigation in the fight against statelessness in South Africa

*MS LIESL HEILA MULLER*
Attorney, Statelessness Project, Refugee and Migrant Rights Programme, Lawyers for Human Rights, Johannesburg, South Africa.

A discussion on the efficiency and relevance of strategic litigation as a tool to end statelessness in the South African context. Lawyers for Human Rights’ Statelessness Project has launched several cases on behalf of stateless persons or persons at risk of statelessness in South Africa. The stories, difficulties, triumphs and lessons learnt in litigating in South Africa where there are no specific laws to protect stateless persons will be shared.

Birth Registration, legal identity and the prevention of statelessness in Asia

*MS. BONGKOT NAPAUMPORN*
Bangkok Legal Clinic, Thammasat University, Thailand

*MR. NICHOLAS OAKESHOTT*
Regional Protection Officer (Statelessness), Regional Coordinator’s Office for Southeast Asia, UNHCR

Birth registration is high on the post-2015 Development agenda, with the Report of the Open Working Group in July 2014 recommending that “legal identity for all by 2030, including birth registration” should be adopted as a future sustainable development goal. In October 2013, UNHCR’s Executive Committee Conclusion on Civil Registration highlighted the link between birth registration and the
prevention of statelessness. In the Asia Pacific a strong partnership of humanitarian and development actors, including UNHCR, is preparing the first Ministerial Conference on Civil Registration and Vital Statistics to be held in November 2014 and has facilitated the establish a regional network of civil registrars. UNHCR in cooperation with ASEAN Intergovernmental Commission on Human Rights has developed a tool of benchmarks and indicators to help ASEAN Member States and Human Rights bodies ensure that continued steps are taken towards universal birth registration. This paper examines the link between birth registration, the relatively undefined concept of "legal identity", nationality and the prevention of statelessness in Asia with reference to case studies. It discusses how benchmarks and indicators can be used to monitor and facilitate progress in registering the births of children at risk of statelessness.

Networking for change – The development of the European Network on Statelessness and perspectives on developing other regional and global statelessness coalitions

CHRIS NASH
Director, European Network on Statelessness (ENS), United Kingdom

Until recently, there was no regional civil society alliance dedicated exclusively to addressing statelessness. This changed with the advent of the European Network on Statelessness (ENS) which has attracted over fifty non-governmental organizations (NGOs) members since its public launch in June 2012. Aside from vindicating the need for such a coordinating body in the region, the development of ENS also offers several useful perspectives on how networks can serve as effective generators for change and as forums to help overcome a historical lack of awareness about the plight of stateless persons. This presentation provides an overview of ENS’s development to date and explores the importance of awareness-raising and the gains possible through finding diverse and multiple entry points to approach the issue. It reflects on the need to develop an international coalition of actors dedicated to working on this issue. Including to support UNHCR’s recently launched campaign to eradicate statelessness within a decade.

Networking for Change: the importance of collaboration on statelessness

MR. TIMOTHY PARRITT
Programme Officer, International Human Rights Programme, Oak Foundation, London

A comparative discussion of some collaborative civil society networks from a donor’s perspective. What constitutes a ‘healthy’ network - able to effectively nurture and mobilize a diverse constituency of autonomous member organizations? What is the role of a network’s Secretariat or Hub in facilitating collective action, including striking an appropriate balance between constructive governmental engagement and research-based campaigning demands, the pursuit of strategic litigation, and communications strategies and media outreach to influence public opinion? How can such approaches, coordinated regionally, be best applied to the address the plight of the stateless, an often obscured and little understood human rights challenge that reinforces the marginalization of millions worldwide, depriving them of equal access to adequate health care, education and employment and placing many at persistent risk of arbitrary detention?
Problems of Documentation and Proof of Nationality in the Americas

PROF. POLLY J. PRICE
Professor of Law, Emory University School of Law, Atlanta, Georgia, U.S.A.

Despite the predominance of jus soli in the Americas, effective statelessness is a significant issue in some regions. It occurs when individuals are unable to prove their nationality due to poor documentation of births, lack of access to national identity cards, and intentional discrimination. Migrants with unclear nationality obstruct efforts to control immigration and are subject to structural discrimination and abuse. When refugees or migrants cannot prove their nationality, or their country of origin refuses to recognize them, the citizens and governments of the nation in which they reside may more easily discriminate against them. Children are most at risk for human trafficking when they or their parents are unable to prove a nationality. This presentation explores ways in which inadequate, lost, or withheld documentation can lead to effective statelessness, and the resulting consequences.

Advocacy and Strategic Litigation on Statelessness in the Americas

FRANCISCO QUINTANA
Program Director for the Andean, North-America and Caribbean Region of the Centre for Justice and International Law (CEJIL) office in Washington, D.C.

In the Global Statelessness Forum, I will give a presentation about the use of strategic litigation, training, knowledge dissemination and advocacy to promote and protect human rights in the Americas. CEJIL has more than 23 years of leading the human rights litigation before the Inter-American System. Francisco has worked extensively on a number of human rights cases before the Inter-American Human Rights System, including in relation to ethnic discrimination and the right to nationality in the Dominican Republic. CEJIL co-sponsored the Yean and Bosico case in the DR, where structural discrimination and the problem of statelessness in the DR were made evident in the I-A Court Judgment. CEJIL continues to do advocacy and strategic litigation in the DR on the issue of arbitrary deprivation of nationality.

Transnational Surrogacy Induced Statelessness: The Legal Challenges

• PROF. DR. SANOJ RAJAN
Professor, School of Law, ITM University, India; Associate Faculty, Harvard Humanitarian Initiative, Harvard University, MA, USA; Visiting Professor and Coordinator for International Criminal Justice Course, International Christian University, Congo

Surrogacy is not a new concept. But the recent scientific developments have induced a surge in Gestational Surrogacy, which could be either altruistic or commercial. The legal regime governing the commercial surrogacy varies from countries to countries, few countries have legalized it while many did not. Increase in transnational commercial surrogacy has created a legal quagmire where the citizenship of the surrogate baby is disputed by the nations involved. Many intended parents from countries where the commercial surrogacy is illegal are facing challenges to get their surrogate children’s citizenship when the surrogacy took place elsewhere. Likewise the courts and the authorities in surrogate mothers’ countries are also not encouraging citizenship to the surrogate
children. Lack of an established legal regime raises many questions related to the citizenship of such babies and pushes them to the verge of statelessness. The proposed paper is an insight into these issues and suggests remedies.

**Stateless Roma in Serbia – an advocacy challenge**

*MR. DAVOR RAKO*

Associate Protection Officer, UNHCR Representation in Serbia

Lack of birth registration and personal documentation predominantly affects the Roma population in Serbia, including Roma IDPs from Kosovo. Consequently, thousands of Roma were not able to access basic rights and confirm their nationality due to legal gaps in the area of birth registration, complex and cumbersome administrative procedures, marginalization and often discrimination. For a long time the problem was ignored by the authorities. As a result of strong advocacy by UNHCR and its civil society partners the situation changed resulting in growing political willingness of the authorities to cooperate and try to resolve the problems of the “legally invisible” and undocumented Roma. By signing an MOU between UNHCR, the Government and the Serbian Ombudsman a “national protection mechanism” started functioning, with the aim of working together in assisting the affected population and finding systemic solutions to stop the cycle of legal invisibility. Some of the first results are visible.

**Overview of Statelessness in Malaysia and Best Practices by DHRRA Malaysia**

*MS. NANTHINI RAMALO*

Executive Director, Development of Human Resources For Rural Areas (DHRRA), Malaysia

A decade in implementing community development programme exposed us to the compromised conditions individuals and families, especially among Malaysian Indian community, live in due to lack of identity documents. Without a green birth certificate or/and a blue Identity Card (yes, colours matters) these individuals do not have access to the fundamental rights in the country. Having denied the necessities for basic wellbeing, their life is wrapped around uncertainties - pulling the next generations into a cycle. Recognizing the dire need to break the vicious cycle, DHRRA plunged into the effort to facilitate (late) birth registration and address statelessness in Malaysia. What started from a direct service has led to a system change approach to inspire development in the policies to address statelessness in Malaysia at its core. This presentation will provide an overview of statelessness in Malaysia and best practices by DHRRA Malaysia over the past decade.

**Statelessness and exploitation: (Why) are stateless persons more vulnerable to human trafficking?**

*DR CONNY RIJKEN*

Associate Professor of European and International Law at Tilburg University

It is widely reported that statelessness increases a person’s vulnerability to becoming a victim of human trafficking, but little research has been done on the nexus between these two phenomena. This presentation discusses the methodology and some key findings of a project that aimed to explore whether and why stateless persons are more vulnerable to exploitation, in particular in
the form of human trafficking. Departing from what is known about the risk factors for human trafficking, the research looked at the impact of statelessness on members of ‘hill tribe’ communities in Thailand, looking for data that would help to explain (or refute) the link. Through a survey and in-depth interviews, the project looked for differences in the situation and perceptions of stateless persons from those with citizenship, especially those that may signal a greater vulnerability to exploitation and trafficking. It also considered whether gender plays a part in this nexus and whether stateless women are particularly vulnerable.

Statelessness and strategic litigation: Reflections on Australia’s experience

**PROF. KIM RUBENSTEIN**
Director, Centre for International and Public law, ANU College of Law, and Public Policy Fellow, the Australian National University

This paper examines statelessness in Australia through children born in Australia who may apply for citizenship. An opportunity now exists for the law to be tested in the Courts through the case of an alleged Rohingya woman from Myanmar, who was transferred from Nauru to give birth to her son at Brisbane’s Mater Hospital in Australia on November 10, 2013. In my presentation I will set out the framework for children and statelessness in Australia through the 2007 Australian Citizenship Act (Cth), and what it represents about citizenship policy regarding children in Australia. I will also reflect upon my own experience in the Courts where other matters on citizenship have been tested to reflect upon the value of litigation for testing out questions of citizenship in Australia. I will also examine the developments in this case to give an up to date report on this statelessness case in Australia.

Confirmation of Nationality for Persons of Indonesian Descent in Southern Philippines

**RICO SALCEDO JD**
Legal Officer, UNHCR in Philippines

The people of Indonesian descent in Southern Philippines are among the groups at risk of statelessness whose situation the Government of the Philippines has pledged to address. Their ascendants were Indonesian migrants who started settling in Mindanao since 1870s and prior to the founding of the states of Indonesia and the Philippines. A mapping of the current population has been undertaken by the Government of the Philippines in cooperation with the Government of Indonesia and with the support of UNHCR. The people are composed primarily of second to fourth generation descendants born in Philippine territory between people of Indonesian descent and Philippine nationals. The governments of the Philippines and Indonesia are engaged in ongoing dialogue and supported by UNHCR in undertaking legal analysis on the application of their respective citizenship laws to the group and developing policy and appropriate operational processes, including mechanisms for confirmation of nationality.
Contributing to the identification and prevention of statelessness through the delivery of humanitarian programmes in displacement contexts

MONICA SANCHEZ BERMUDEZ
Global Adviser - Information, Counselling and Legal Assistance (ICLA), Norwegian Refugee Council, Head Office, Oslo

NRC’s Information, Counselling and Legal Assistance (ICLA) programmes assist displaced persons to claim and fulfil their rights, reach durable solutions and prevent further displacement through the application of information and legal methods. In 2012, NRC adopted a new ICLA policy which for the first time included “citizenship and statelessness issues related to displacement” as one of its five thematic areas for programming and as such has recently started engaging with this issue. In 2014 NRC in collaboration with Tilburg University has undertaken research to explore the linkages between statelessness and forced displacement, looking at statelessness both as a cause and a result of displacement. The preliminary findings from the research constitute the basis of the presentation at the Global Statelessness Forum and aim at assisting humanitarian programmes better understand and address statelessness through the provision of assistance to displaced populations including through better access to civil documentation.

The Phenomenon of Statelessness and the Position of Romani Minorities in the Post-Yugoslav Space

DR. JULIJA SARDELIC
CITSEE Research Collaborator, School of Law, University of Edinburgh, UK

This paper discusses the position of Romani minorities in light of the state dissolution and further citizenship regimes transformations as they have occurred after the disintegration of the former socialist Yugoslavia. While observing closely the repositioning of the Romani minorities in the post-Yugoslav space, it explicates that in the case of state dissolution the unevenness of citizenship does not only manifest itself in the rights dimension, but also in the uneven access to citizenship on new polities, which can also result in both de iure and de facto statelessness. As I argue in this paper, the phenomenon of statelessness in the post-Yugoslav constellations highly affected individuals identified as belonging to Romani minorities. The paper establishes that due to historical as well as contemporary hierarchical inclusions, many individuals identified as belonging to Romani minorities faced specific obstacles in access to citizenship in most Yugoslav states, where they de facto resided. Consequently, it gives an illustration of citizenship constellations in which many Romani individuals found themselves as non-citizens at their place of residence and usually without the status of legal alien with permanent residence as well as with ineffective citizenship of another post-Yugoslav state (legally invisible persons, refugees, IDPs, undocumented migrants, etc.).

Teaching Statelessness: The Dutch Experiment

DR. JOS VAN SCHILT
Lecturer, OLV Lyceum Breda, The Netherlands

CHRISTINA VAN KUIJCK LLB
Student, Tilburg University, The Netherlands
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Young people are not aware of the importance of their nationality nor the phenomenon called statelessness. A School Project was set up in the Netherlands in order to stress the importance of nationality and statelessness through human rights education, contributing to human rights protection by informing students of their rights, producing changes in values and encouraging solidarity with those who lack the right to have rights. We explained the essence of nationality and statelessness in interactive sessions through a powerpoint presentation, videos and assignments. After the lecture the students filled in a questionnaire in which they evaluated the content and the didactical skills of the teacher. The results and experiences of these exploring pre-tests indicate that teaching statelessness through human rights education contributed greatly to the students’ awareness of their nationality. This experiment will be continued in the academic year 2014-2015.

Birth Registration: Protecting Children and Preventing Statelessness in the Syrian Refugee Crisis

AMIT SEN
Regional Protection Officer (Statelessness), UN High Commissioner for Refugees, Middle East and North Africa (MENA) Region

MENA is the region of the world with the greatest concentration of laws denying women the right to confer nationality to children on an equal basis of men. With the Syrian conflict entering its third year, it has become apparent that gender-discriminatory nationality laws not only violate international standards—they place children at a heightened risk of statelessness and other rights violations. In practice, Syrian children acquire nationality exclusively through their fathers. However, the war has robbed hundreds of thousands of Syrian children of their fathers—leaving them with no means of proving their nationality if their births are not registered. In addition to proving a child’s nationality, birth registration is vital to ensuring a child can access health, education, and other fundamental rights. UNHCR and its partners are therefore assisting refugees throughout MENA with birth registration and working closely with host Governments to simplify requirements, but significant challenges remain.

Statelessness in U.S. foreign policy

NICOLE SHEPARDSON
Senior Policy Officer, Bureau of Population, Refugees, and Migration, U.S. Department of State

The United States government is committed to addressing the global problem of statelessness as part of our overarching commitment to champion human rights. The presentation will discuss U.S. foreign policy objectives and priorities in addressing statelessness around the world, including diplomatic efforts, support for the mandate of the UN High Commissioner for Refugees, partnerships with non-governmental organizations, and policy research to inform policy and funding decisions. The presentation will highlight regional and multilateral efforts to prevent and reduce statelessness, including the Women’s Nationality Initiative launched by the U.S. Secretary of State in December 2011.
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The Rohingya in Myanmar: Statelessness and Genocide in a Transitional State
KATHERINE G. SOUTHWICK
Research Associate, Centre for Asian Legal Studies, National University of Singapore

The ongoing plight of the Rohingya presents a clear case of how statelessness can lead to the most profound forms of marginalization and vulnerability. This presentation will discuss the case for describing the situation of the Rohingya as genocide and how the Myanmar government and international community could or should respond in the context of Myanmar’s democratic transition from decades of authoritarian rule. The presentation will review how the situation of the Rohingya potentially qualifies as genocide under the 1948 Convention, the international legal obligations of states and other actors to address the problem, and the potential consequences of and constraints on different domestic and international responses.

Role of the EU in protecting stateless persons: proposal for legislative measures
KATJA SWIDER
Researcher, University of Amsterdam, The Netherlands

EU law acknowledges the existence of stateless persons, but does not specifically address problems related to statelessness. Considering the EU’s potential in steering the Member States’ protection regimes for vulnerable groups, this is a missed opportunity. An assumption exists that the EU has no legislative competence to address statelessness because of the Member States’ sovereignty in nationality matters. This assumption is only partially correct. While issues relating to the reduction of statelessness might indeed be off-limits to the EU legislator, the protection of stateless persons falls within the well-established legislative powers of the EU in the field of migration. After illustrating that the EU has competence to pass legally binding legislation on the protection of stateless persons, the desirability of such legislation and its consistency with the principle of subsidiarity are considered. For more details, see K. Swider ‘Protection and Identification of Stateless Persons through EU Law’, ACELG WP 2014-05.

Vietnamese Naturalization for stateless persons in Viet Nam
•MRS. NGO THI HONG LOAN
Officer, Department of External Relations of Ho Chi Minh City, Viet Nam

This presentation will introduce the following topics in the Global Forum on Statelessness: Statelessness & Security and Responses to Statelessness. 1/ In the first part, the presentation will share some information about statelessness in Vietnam, difficulty and opportunity of stateless groups, security issues of stateless persons as well as those of that of host nations. In general, this part discusses Statelessness and Security. 2/ The second part is about Responses to Statelessness, particularly about sharing some practical experiences of Vietnam in solving statelessness puzzle which results from refugee as well as in re-naturalized women who marry foreigners. It further discusses international cooperation in solving statelessness. This section reflects the dedicated concerns of Vietnamese government and international community in relation to statelessness issue.
No Child is an Island – Seeking Solutions for Children at Risk of Statelessness in the Caribbean

MS. CATHERINE TOBIN
Senior Protection Associate, UNHCR, Regional Office Washington

While the countries and territories of the Caribbean are diverse in many ways, they regrettably share a common scourge – children at risk of statelessness. This phenomenon arises in large part from poor policies and practices in many island States with regard to birth registration and transmission of nationality. While the problem is significant, it is largely acknowledged. This presentation will seek to shed light on the gravity of the problem. In doing so, the presentation will highlight the root causes of statelessness in the Caribbean and propose actions Caribbean States can take in conjunction with the new Global Campaign to eradicate statelessness by 2024. The Americas is well-situated to be the first region to achieve this goal; but this is only possible with a focus and plan for the countless children in the Caribbean who cannot claim a nationality of their own.

Benchmarking Protection Against Statelessness in a Global Context: A Comparative Analysis of Citizenship Laws in Europe and the Americas

DR. OLIVIER VONK
Marie Curie fellow, Maastricht University, the Netherlands

PROF. MAARTEN VINK
Associate Professor, Maastricht University, the Netherlands and Part-Time Professor RSCAS, European University Institute, Italy

PROF. RENÉ DE GROOT
Professor of Comparative Law and Private International Law, Universities of Maastricht, Aruba (the Netherlands) and Hasselt (Belgium)

At the Global Forum we will present the preliminary results of a geographical expansion of the EUDO CITIZENSHIP / UNHCR Database on Protection against Statelessness (http://eudo-citizenship.eu/1111-global-database-on-protection-against-statelessness). More particularly, we present the results of the expansion of the database with 35 states from the Americas, in addition to the information on 41 states in Europe that is already available. We will focus on grounds for acquisition of nationality based on descent and birth on the territory, since contrasting approaches can be identified in Europe and the Americas. The acquisition of nationality iure sanguinis and iure soli will be analyzed against the background of international norms on protection against statelessness, as well as norms specific to the two regions, such as the European Convention on Nationality and the American Convention on Human Rights. We also discuss some methodological potentials and pitfalls of benchmarking and comparing protection against statelessness globally, such as collecting reliable information on citizenship laws.
Assessment of prevalence of gender-based violence (GBV) and related health needs of stateless populations in Cote d’Ivoire and the Dominican Republic

DR. ALEXANDER VU
Director, Johns Hopkins University International Emergency and Public Health Program, the United States.

Objective: A dearth of evidence exists with respect to GBV and related health impacts among stateless populations. The primary aim is to estimate the prevalence and vulnerabilities to GBV among stateless populations, compared to demographically comparable citizens. The secondary aim is to assess and compare basic GBV-related health consequences and access to appropriate healthcare and protection for GBV in these two countries. Methodologies: Research methodology builds on our past mixed-methods research of GBV among refugees/displaced populations and conducting health assessments among marginalized populations. Qualitative phase includes interviews with stateless persons and key informants who serve these populations to obtain contextual descriptions of GBV and GBV-related health issues. Quantitative phase includes a population-based socio-behavioral survey conducted among stateless persons and surrounding citizen community to compare estimates of past and recent GBV experiences, GBV-related health indicators, as well as assess availability and access to related GBV services. Challenges and key indicators will be discussed.

Nationality laws in the Middle East and North Africa – Trends and particularities

Senior Researcher and Manager of the Tilburg University Statelessness Programme

The Middle East and North Africa (MENA) is a region which is home to significant stateless populations, including Palestinians, Bidoon in the Arab Gulf, stateless Kurds in Syria and others. Yet little has been written about the nationality laws which are in place in the countries of the MENA. Are there characteristics to the regulation of acquisition and loss of nationality that are specific to the region? What gaps or problems exist in the laws which are serving to create, perpetuate or prolong statelessness? Where have changes been seen in terms of positive legal reform that is helping to reduce the risk of statelessness. This presentation offers a brief overview, based on comparative legal analysis, of the trends and particularities of MENA nationality laws with a focus on those rules which are of interest from the perspective of the prevention and reduction of statelessness.

Taking Roma Statelessness to Court: the Work and Aspirations of the ERRC’s Legal Team

ADAM WEISS
Legal Director, European Roma Rights Centre, Budapest

The words “stateless” and “statelessness” do not appear in the current programme strategy of the European Roma Rights Centre; yet stateless Roma and Roma at risk of statelessness are among that organisation’s clients, in cases falling under “identity documents”, “free movement and migration” and “women’s and children’s rights”. Because of its unique role as an NGO taking strategic litigation on behalf of Roma around Europe and at European level, the ERRC can aspire to securing court judgments that will end statelessness among Roma. The purpose of this presentation is to familiarise the audience with the ERRC’s litigation related to statelessness and...
work with the audience to think about how the ERRC can design cases which will lead to the end of Roma statelessness in Europe. The presenter hopes to take the seed of a transformative litigation strategy with him back to Budapest.

A characterisation of civil society responses to the impact of the Dominican Republic's Constitutional Court Ruling of September 23rd 2013 on Dominicans of Haitian ancestry
BRIDGET WOODING
Director, Caribbean Migrants Observatory, Dominican Republic

In late 2006, legal scholar van Waas raised the important question as to whether permanent illegality was inevitable in the Dominican Republic, given the prevailing challenges for a non-discriminatory application of the Dominican Civil Registry, notably for persons born of Haitian parentage in the country. Despite an Inter-American Court of Human Rights landmark judgement (2005), affirming the right to Dominican birth certificates and thence nationality for the children of Haitian migrants, this regional jurisprudence has not reduced the amply documented obstacles. New citizenship and immigrant residency restrictions against Haitian-ancestry people seem anomalous not least because the country encompasses neo-liberal and post-nationalist economic development strategy. Since 2007, Haitian-ancestry Dominicans have suffered increasing restrictions in geographical and social mobility, resulting from the denial and deprivation of Dominican nationality and the state’s failure to regularise the residency status of long-term Haitian immigrants as contemplated in 2004 migration legislation. Dominican state representatives hold that most Haitians and Haitian descendants’ ancestors entered without permit when many among those older generations were recruited by state agents and the forms of immigration restriction that were supposedly evaded mostly did not exist until the turn of the century. This paper characterises the responses by civil society to the biggest legal challenge faced to date in the wake of the Constitutional Tribunal’s unexpectedly wide-reaching ruling. In the face of national and international outcry, a legislative proposal was forthcoming from the Executive and approved by Congress in late May 2014. While by no means an ideal solution, especially for those of foreign parentage born in the country who have never been registered, there does appear to be some room for manoeuvre for human rights defenders. The conclusions of the paper focus on the prospects for positive change and recommend where more might be done and better in country.

The Current Status in Customary International Law of the Prohibition on Statelessness
MR. WILLIAM THOMAS WORSTER
Lecturer, International Law, The Hague University of Applied Sciences

This paper will consider whether the prohibition on creation of statelessness has emerged as a norm under customary international law. De jure statelessness results from various mechanisms: failure of any state to grant nationality to newly born children, withdrawal of nationality, changes in borders or the creation of new states. While several treaties have been adopted that either discourage the creation of statelessness or provide a human right to a nationality in the abstract, it is difficult to identify a universal treaty rule that obliges states not to tolerate statelessness. In the
Abstracts of Presentations

decades that have followed some of these treaties, state practice has continued and evolved. This paper will examine whether there is widespread and consistent state practice that is accompanied by opinio juris resulting in the formation of customary international law.

The Protection of the Statelessness persons in ASEAN: Challenges and Opportunities

MS. YUYUN WAHYUNINGRUM
Senior Advisor on ASEAN and Human Rights, Human Rights Working Group, Indonesia

The spirit of integration in ASEAN signifies a shift of paradigm and Southeast Asia's societal configuration toward a more organized regional community. At the same time, it exposes number of problems, which one of them is about ASEAN Member State's policies and practice regarding stateless persons and people who are denied citizenship for different reasons.

The response from ASEAN on the issue remains ambivalent. The absence of political will to recognize statelessness persons as regional problem that needs regional response contribute to worsening of the issue.

This paper will examine whether ASEAN Community integration project and its human rights systems such as the ASEAN Intergovernmental Commission on Human Rights (AICHR) and ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) as well as the newly ASEAN Human Rights Declaration have been adequately addressed the matter and identify opportunities and challenges.

Situation of Rohingya People in Burma

MAUNG TUN KHIN (MR)
President, Burmese Rohingya Organisation UK

The Rohingyas are a Muslim minority from Burma. Most live in Rakhine State in western Burma. Following the military coup in 1962 restrictions were increased against the Rohingya, culminating in the imposition of the 1982 Citizenship Law, which denies Rohingya citizenship, rendering them stateless.

This presentation observes that the government of Burma uses six main methods to oppress the Rohingya community: discriminatory laws, incitement of hatred, political disenfranchisement, restricting humanitarian access, stopping economic activity.
POSTER: Statelessness in Saudi Arabia

MS. NOUF ABDURAHMAN ALBLUWI
Lecturer, Imam Muhammad Ibn Saud Islamic University, Riyadh, Saudi Arabia

The kingdom of Saudi Arabia “The Kingdom” is considered one of the states that have the problem of statelessness. As is the case in many states, the problem has affected stateless person and also the Saudi community. The presentation will show what affect the problem has on stateless person and on the community. It will show the struggle this group face in order to have decent life. It will address the history of the problem in The Kingdom. It will show how The Kingdom has dealt with this group over the years. It will discuss why there is no clear statistics in their numbers. It will emphasize the fact that stateless people in the kingdom have the same religion and are from the same tribes as Saudis. Also, it will show what rights they have in The kingdom. It will view the legal basis that gives them the right to have a nationality in Saudi Arabia.

POSTER: The Right to a Nationality and (Lack of) Responses to Statelessness in Ireland

HILKKA BECKER
Senior Solicitor, Immigrant Council of Ireland – Independent Law Centre, Dublin/Ireland

Responses to statelessness in Ireland to date have been ad hoc and inconsistent. Furthermore, due to the lack of a clear government policy on the issue, stateless persons find themselves in prolonged situations of legal limbo, unable to work, travel and access basic services. The presentation will include a description of the provisions in Irish law and policy which relate to statelessness and show a continued failure to implement existing provisions in accordance with the Statelessness Conventions. In addition to looking at the current situation in Ireland, this presentation will explore practical solutions for the situation of stateless persons in Ireland on the basis of examples from other States, in particular the UK, as well as proposing the introduction of a human rights compliant determination procedure for Ireland.

POSTER: Spanish lesson learnt: theory and practice of a functional statelessness determination procedure

MS. VALERIIA CHEREDNICHENKO
PhD Researcher in Advanced Studies in Human Rights at Charles III University of Madrid (Spain); Consultant on Statelessness in Europe, UNHCR Bureau for Europe (Brussels, Belgium)

Spain was one of the first countries to introduce a statelessness determination procedure in Europe and in the world by having legislated formal procedures to this end. The majority of the applications for the statelessness status in Spain come from applicants of Western Saharan origin, or Sahrawis. However, this issue does not get as much attention as it deserves from the authorities or wider society, leaving them without benefits of recognition as stateless. The presentation will focus on the statelessness determination procedure in Spain and the level of enjoyment of human rights provided thereto, as well as the current case law on this issue. Some observations will be made on the positive/negative elements of the Spanish example to be used or avoided in other states that are looking into introducing a statelessness determination procedure.
POSTER: Starting from Scratch: Addressing Statelessness in Iraq

MR. KAREL HENDRIKS MSC
Protection Officer, UNHCR in Iraq

This presentation describes UNHCR’s first forays into the field of statelessness in Iraq, and recounts all bumps in the road that followed. With limited legal ammunition, these initiatives focused on the provision of direct, practical assistance and the inclusion of stateless communities in UNHCR’s regular activities. After all, the principles of prevention, reduction, identification and the protection of those already stateless are fundamentally a call to action, designed to inspire practical interventions. “Starting from scratch” is never easy, but an all too common challenge in the field of statelessness. However, with an open mind and an active imagination, opportunities for direct assistance to stateless groups do exist - even when circumstances do not seem especially conducive at first.

POSTER: Security and Stateless in Nepal

ADVOCATE DIPENDRA JHA
Advocate at Supreme Court in Nepal, Chairperson, Terai Human Rights Defenders Alliance (THRD Alliance) & Terai Justice Center Nepal

“I will publically burn myself or take up arms to fight against the State if it continues to deny me citizenship,” said Sangita Chaurasiya, the ex-chairperson of Stateless Madhesi Youths Struggle Committee, at a press meet in Kathmandu. The gendered laws of citizenship in Nepal and discriminatory approach of the bureaucrats have rendered thousands of Madhesi youths like Sangita stateless. The rage and angst of being stateless is detrimental not only to the individual but also to the state as they are likely to pose threats to security and peace. At the same time they are also vulnerable to serious human rights violations. The interaction between statelessness and security and resulting human rights violations get manifested clearly in the Terai where a large number of Madhesi are still deprived of the citizenship certificate. Without it, they remain deprived of a number of rights and facilities ranging from government and private jobs, professional licenses, property ownership, obtaining the passport, opening a bank account and vote. Grave human rights violations like illegal arrests, arbitrary detention, torture, forced displacement and extra-judicial killing (EJK) are rampant though less than before in the Tarai, and statelessness and discrimination are reported be causes behind them. They are, however, reported to be “unavoidable consequences” of addressing the security threats. In 2010 the OHCHR Nepal published a report on 57 extra-judicial killings in the Terai—“Between January 2008 and June 2010, OHCHR received reports of thirty-nine incidents, resulting in fifty-seven deaths, which involved credible allegations of the unlawful use of lethal force. Of the reports received by OHCHR, most of the victims have been Madheshi men, between 20 and 30 years of age....” Similarly, on August 15, 2010 Rudal Yadav, a stateless Madhesi, was reportedly arrested and handed over to the Indian Police who allegedly killed him.
POSTER: Implementing Human Rights Standards to ‘Thai-style’ Statelessness
I-HSUAN LIU (CLAUDIA)
Full-time Lecturer, Faculty of Law, Rangsit University, Thailand

Although Thailand is experiencing its own political fluctuations, yet the Thai government hasn’t neglected the issue of statelessness. For the past few years, there’s a gradual shift in attitudes and treatments of Thai government towards stateless persons, from rendering passive assistance to carry out policies in redressing the protracted stateless situations. Though not perfect, yet with the international human rights law as guidance and the assistance of relative organizations, regrouping of stateless persons has taken place, which some group of stateless persons are either rendered specific rights or nationality. This research intends to explore the present progress and adjustments made by the Thai government, and how some of these changes would be implicitly beneficial in generating a positive effect to stateless persons in Thailand.

POSTER: Statelessness in Madagascar: Future Challenges For a Developing Nation
CAROLINE MCINERNEY JD
Cowan Fellow, University of Virginia School of Law, United States

When Madagascar gained independence, only those who had been naturalized French citizens had the opportunity to choose Malagasy citizenship. Foreigners who had settled in the country, but did not have French citizenship, were left stateless. Many of these foreigners have been in the country for generations and are still waiting to be naturalized. These individuals are mostly Muslim or of Indian/Pakistani decent. Those of Indian/Pakistani decent, called Karana, occupy a unique space in Malagasy society because the Karana are estimated to contribute close to one-third of the country’s GDP. Preventing the Karana from accessing citizenship discourages the wealthiest in the country from investing in its growth. As Madagascar develops, access to citizenship will come to the forefront of the political agenda. Madagascar can reform the citizenship system by amending the Nationality Code to protect against statelessness, address institutional barriers to access, and promote integration of the Muslim and Karana communities.

POSTER: Statelessness in Ukraine
MS. KATERYNA MOROZ
Lawyer on Statelessness, HIAS, Ukraine

The statelessness problem in Ukraine has become a crisis that needs a comprehensive legal response. The real scale of this problem is known neither to governmental bodies. The United Nations High Commissioner for Refugees estimates that there are about 40,000 stateless persons in Ukraine. Statelessness in Ukraine is mostly the result of the failure of some people to acquire citizenship after the collapse of the Soviet Union; the lack of documentation for indigenous inhabitants of Crimea; discrimination against the Roma and other minorities; and the absence of a path to citizenship for persons without identification documents. Yet, instead of striving to solve these problems and their consequences, Ukraine’s laws impose penalties on stateless people. Stateless people, therefore, constantly fear immigration detention and often have to hide from the government. One of the ways of solving the problem of statelessness in Ukraine is establishing cooperation between the non-governmental sector and the and the public authorities to identity common goals and divide strategy implementation roles.
**Poster Presentations**

**POSTER: A Boat Without Anchors: An Inquiry into the Legal Status of Ethnic Vietnamese Minority Populations in Cambodia**  
*MR. CHRISTOPH SPERFELDT*  
PhD Scholar, Australian National University, Australia

*MS. LYMA NGUYEN*  
Barrister, William Forster Chambers, Australia

The presentation considers the legal status of ethnic Vietnamese minority populations in Cambodia, by examining the problems faced by members of this group as a result of an absence of identification or nationality documents, and discussing ways to reduce and/or prevent statelessness among this group. In doing so, the presentation summarises the main findings of field research conducted between 2008 and 2012, with a group of ethnic Vietnamese in Kampong Chhnang province, Cambodia. Although ethnic Vietnamese people have migrated to Cambodia over different periods in history, members this specific group are long-term residents of Cambodia, having been born and raised in the country for generations, with the exception of the Khmer Rouge regime, when they were forcibly deported to Vietnam. The research findings were published in the report "A Boat Without Anchors", which examined the legal status of this group under the applicable domestic nationality laws of Cambodia and Vietnam.

The report is available at http://www.civilparties.org/?p=494

**POSTER: Statelessness in Poland**  
*DR. DOROTA PUDZIANOWSKA*  
Assistant Professor, University of Warsaw, Poland; Head of Anti-Discrimination Programme, Helsinki Foundation for Human Rights, Poland

The responses of the Polish state to statelessness are equivocal, there is a lack of clear picture and no informed approach to the problem of statelessness. Poland has ratified neither of two UN statelessness conventions. Even though reasoning about citizenship in terms of rights is a new but robust tendency in the legislative policy in Poland, the position of stateless persons has not been affected in any substantial way. The new law on nationality of 2012 provides for facilitated acquisition of nationality for those who are stateless and encompass the provision on the right of foundlings to acquire nationality. However there are important loopholes in this legislation. Moreover, even though there is a ban in the Polish Constitution on deprivation of nationality in practice such situations happen. Otherwise, in Poland there is no determination procedure for statelessness and no special protection status for stateless people.
POSTER: Mapping and addressing statelessness in Greece
MS. ELENITAKOU
Hellenic League for Human Rights, Greece

The presentation will attempt to assess the situation of stateless persons in Greece and to propose methods of preventing and addressing the phenomenon. The mapping of the stateless population is prerequisite to addressing the phenomenon, since de jure stateless persons constitute only a small amount of the affected population; in Greece there are several categories of de facto stateless persons for various reasons. In this context, apart from a first mapping of the stateless population currently residing in Greece, we will attempt to identify the challenges in law, policy and practice, as well as give specific recommendations in terms identification, reduction, prevention and protection in the Greek context.

POSTER: Confined by Borders, Excluded by State: Stateless in the borderlands of Kyrgyzstan
MS. ELĪNA TROŠČENKO
PhD Candidate, University of Bergen, Norway

Majority of the stateless people in Kyrgyzstan live along the Uzbek/Kyrgyz border which through the last decades has transformed from an open administrative border between Soviet republics into a militarized and closed border between two nation states. The greater part of the stateless are Uzbek women who married across the formerly open border, but today find themselves in a situation of not being able to affirm their belonging neither to the state of their birth or of residence. Paradoxically, the statelessness is not caused by lacking a link to a state, but rather by having linkages to two states. These so called ‘border brides’ are caught up in the changing concepts and realities of what intertwined border life represents in a space where the lack of legal identity exposes one to discrimination, corruption and illegal activities.

POSTER: Exploring Statelessness and Nationality in Iran
DR. JASON TUCKER
Statelessness Consultant, UNHCR Central Asia RO – Almaty

The paper sought to overcome the lack of research on statelessness and nationality in Iran. There were several pre-identified populations, some members of which were believed to be affected by statelessness, as well as gender discrimination in the nationality law - which causes and increases the risk of rendering children stateless. By undertaking a detailed analysis of the nationality law and other relevant legislation, consolidating the pervious literature on groups affected and issues relevant to statelessness, alongside interviews with key stakeholders and stateless persons themselves, the research sets a foundation for understanding statelessness in Iran. Several key areas were highlighted as requiring further inquiry, including the nexus between migration and statelessness, access to birth registration and the ambiguous nature of the law on the right of illegitimate children to claim their Iran father’s nationality.
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