

## EDITORIAL

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Over the past few months while this volume of the *Statelessness & Citizenship Review* ('SCR') has been in development, the COVID-19 pandemic has taken hold across the planet, operating as a magnifying glass that has brought into sharper focus many pre-existing structural inequalities and societal tensions. It did not take long for the picture to emerge that while the pandemic 'devastate(s) lives and livelihoods around the world [it is] hitting the most vulnerable the hardest'.<sup>1</sup> While the virus itself does not discriminate, its impact is not shared equally. For the overwhelming majority of stateless people worldwide, living without a nationality already meant hardship and a constant battle with the effects of structural discrimination and exclusion. Long-standing issues such as denial of healthcare, lack of access to socio-economic safety nets and inability to obtain identity documentation are significantly amplified during a time of acute emergency. As the United Nations High Commissioner for Refugees has observed in this context, 'the right to a nationality is a fundamental human right and in this time of crisis it can mean the difference between life or death'.<sup>2</sup> The pandemic has demonstrated that capturing data and sharing knowledge about the causes and consequences of statelessness is more pressing than ever.

UN leaders and human rights experts have consistently reiterated that 'exclusion is costly and inclusion pays',<sup>3</sup> urging governments to adopt measures that are inclusive. There is a vital role for research in providing supporting evidence to ensure a needs-based response to the pandemic and in demonstrating the particularities of statelessness as a circumstance to be factored into the crisis response. Regrettably, there is likely also to be an important part to be played by academia in documenting how, where and why COVID-19 and related measures are failing to adequately reach the world's stateless or indeed how the position of some communities is being further deteriorated by the pandemic — to pave the way for accountability in the future and to share lessons learned. At the same time, COVID-19 has forced open a space for unprecedented new conversations about mobility, policies towards immigration detention and homelessness, state surveillance, racism and xenophobia. This also creates a unique moment for scholarship on citizenship and statelessness to revisit the bigger questions that

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<sup>1</sup> António Guterres, 'The COVID-19 Crisis Is An Opportunity to Reimagine Human Mobility', *United Nations* (Web Page, 3 June 2020) <<https://www.un.org/en/coronavirus/covid-19-crisis-opportunity-reimagine-human-mobility>> ('*COVID-19 Crisis Is An Opportunity*').

<sup>2</sup> Filippo Grandi, cited in 'UNHCR Warns Stateless People Risk Being Left Behind in Coronavirus Response', *UNHCR* (Web Page, 11 May 2020) <<https://www.unhcr.org/news/press/2020/5/5eb95222ec/unhcr-warns-stateless-people-risk-behind-coronavirus-response.html>>.

<sup>3</sup> *COVID-19 Crisis Is An Opportunity* (n 1).

occupy us — about inclusion and exclusion, about legal status and public goods — and infuse these debates with fresh perspectives gleaned from how the world has reacted in the face of this global crisis.

The pandemic forces us to revive and deepen our attention to the drivers of marginalisation and exclusion that have placed a multitude of vulnerable groups in a more precarious position to overcome — or even survive — the crisis. Within this wider context, there must be renewed commitment to unpacking, critiquing and engaging in dialogue about the role of citizenship, the systems in place for its attribution, the linking of status to rights — and perhaps also for the exploration of alternatives.

As we present the first issue of the second volume of *SCR*, we are mindful of the growing weight of expectations that will come to rest on those engaged in scholarship on these issues. We are pleased therefore to present in this issue such a rich and diverse range of high quality contributions to the field.

The articles and symposium together indicate the great promise that the multidisciplinary field of statelessness studies offers, and the extent of unexplored territory within the field. New theoretical critiques continue to emerge, and Thomas McGee's article in this volume makes a highly original and important contribution, bringing a queer lens to statelessness studies. As he rightly observes, unlike fields such as refugee studies, which have been subjected to extensive queer analysis and critique, discourses around 'sexual citizenship' on the one hand and the relatively new discipline of statelessness studies on the other have 'operated largely in isolation, with each generating its own body of literature discrete from the other'.<sup>4</sup> In arguing that a global nexus does indeed exist between statelessness and sexual orientation, gender identity and expression and sex characteristics, the article 'calls for further empirical research in order to provide greater nuance and context-specific understandings of the intersectional experiences and causes of statelessness for LGBTIQ+ individuals around the world'.<sup>5</sup>

Another thought-provoking contribution that challenges the boundaries of our current understanding of the field is offered by Deirdre Brennan's historical perspective on gender discriminatory nationality laws. As she opines, it may have been assumed by many working in the field of statelessness that until the launch of the Global Campaign for Equal Nationality Rights in 2014, 'efforts to eradicate such laws were largely only coordinated on a national level'.<sup>6</sup> In her article in this issue, Brennan uncovers 'a hidden period in statelessness history: the citizenship equality campaigns of the early 1900s'.<sup>7</sup> Through an exploration of these campaigns, the article provides 'a feminist revisionist history of statelessness activism and academia that aims to adjust dominant narratives in contemporary statelessness literature'.<sup>8</sup>

The theme of inter-disciplinarity is further explored in our Symposium on Statelessness and Slavery. As guest symposium editor, Alice Eckstein, notes in her introduction, there are obvious overlaps in both 'condition and population

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<sup>4</sup> Thomas McGee, "'Rainbow Statelessness" — Between Sexual Citizenship and Legal Theory: Exploring the Statelessness-LGBTIQ+ Nexus' (2020) 2(1) *Statelessness & Citizenship Review* 64, 66.

<sup>5</sup> *ibid* 64.

<sup>6</sup> Deirdre Brennan, 'Feminist Foresight in Statelessness: Century-Old Citizenship Equality Campaigns' (2020) 2(1) *Statelessness & Citizenship Review* 43.

<sup>7</sup> *ibid*.

<sup>8</sup> *ibid*.

between stateless persons and those living in conditions of slavery'.<sup>9</sup> Yet scholarship and advocacy on these issues has tended to develop independently. Thus, she asks,

what knowledge and practices can be shared among scholars working on these two separate violations of human rights? Where and how can researchers identify similar challenges and resources, as well as collaborate on a common research agenda?<sup>10</sup>

This symposium — the first of many to come on a range of issues that intersect with statelessness — brings together researchers and scholars working on slavery ‘to offer their perspectives on challenges and paths forward that may resonate with those engaged in understanding statelessness’.<sup>11</sup> We see this and future symposia as crucial to meet the ambition of *SCR* to offer not only a dedicated space for scholarship on statelessness and citizenship, but also as a meeting place for mutually beneficial knowledge exchange between fields.

The four other journal articles in this issue examine particular issues in statelessness research or specific sites of statelessness or risks of statelessness. Katalin Berenyi’s article examines an issue that has been largely overlooked in statelessness research to date, namely, the incidence and relevance of hate speech in deepening animosity towards stateless populations and potential accountability mechanisms in relation to this issue.

The importance of country and region-specific analysis is exemplified in the articles by Solomon Oseghale Momoh, Henneke van Eijken and Cedric Ryngaert (Nigeria), Talha Abdul Rahman (Assam, India) and Anne Brekoo (European Union). Momoh, van Eijken and Ryngaert make an important contribution to the elucidation of international norms and best practices regarding the establishment and operation of a statelessness determination procedure (‘SDP’). Importantly they situate their analysis in Nigeria, relevant both because there are no current SDPs in Africa and because Nigeria has ‘a sizable number of persons ... at risk of statelessness’.<sup>12</sup>

In Rahman’s piece, one of the most serious global challenges to inclusion is examined, namely the citizenship crisis unfolding in India. Focusing specifically on the legitimacy of the Foreigner Tribunals established as part of the National Register of Citizens process in the State of Assam, India, Rahman undertakes an original analysis of the extent to which the tribunals uphold fundamental principles of the rule of law. Situated against the background of a sophisticated historical and jurisprudential framework, this original paper makes a significant contribution to scholarship especially given the dearth of scholarly work to date on this topic.

Brekoo’s article turns our gaze towards a different region, namely the European Union, in which she notes that nearly half a million people are stateless within Member States. However, she observes that the EU has demonstrated that ‘it is capable of devising a framework of rights that transcends the national boundaries:

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<sup>9</sup> Alice Eckstein, ‘Identifying a Cross-Disciplinary Dialogue between Statelessness and Slavery’ (2020) 2(1) *Statelessness & Citizenship Review* 138.

<sup>10</sup> *ibid.*

<sup>11</sup> *ibid.*

<sup>12</sup> Solomon Oseghale Momoh, Hanneke van Eijken and Cedric Ryngaert, ‘Statelessness Determination Procedures: Towards a Bespoke Procedure for Nigeria’ (2020) 2(1) *Statelessness & Citizenship Review* 86, 87.

citizenship of the EU'.<sup>13</sup> With the aim of inspiring new debates and fresh perspectives, she examines the value that Union citizenship might have for stateless persons.

This issue, brimming with excellent contributions, is rounded out with three case notes and two book reviews. We are thrilled with the quality and innovative research being undertaken in the field of statelessness studies and with the strong interest in the establishment of *SCR* in 2019. Since April 2020 the *Review* has been available also on HeinOnline, ensuring a wider reach into academic research networks. We feel confident that interest and engagement with the *Review* will only strengthen as the emerging discipline of statelessness studies continues to flourish.

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<sup>13</sup> Anne Brekoo, 'Statelessness in the European Union: Exploring the Potential Value of Union Citizenship' (2020) 2(1) *Statelessness & Citizenship Review* 24.