

COMMENTARY

KEEPING STATELESSNESS ON THE AGENDA AT THE GLOBAL REFUGEE FORUM AND BEYOND

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TABLE OF CONTENTS

I	Introduction.....	137
II	UNHCR’s Approach to Statelessness So Far	138
III	Statelessness at the Next Global Refugee Forum	140
IV	Concluding Remarks.....	141

I INTRODUCTION

December 2023 brought the second Global Refugee Forum (‘GRF’) to Geneva, hosted by the United Nations High Commissioner for Refugees (‘UNHCR’) and attended by over 4,000 refugees, activists, politicians, United Nations (‘UN’) staff, donors and academics.¹ As one of the largest gatherings of the humanitarian community in the world, the GRF offers a high-level venue for both formal and informal advocacy on humanitarianism and human rights. While unofficially the GRF functions as a kind of trade show for the humanitarian community, its official purpose is to take stock of the implementation Global Compact on Refugees (‘the Compact’), affirmed in December 2018, which, as UNHCR describes it

is a framework for more predictable and equitable responsibility-sharing, recognizing that a sustainable solution to refugee situations cannot be achieved without international cooperation. It provides a blueprint for governments, international organizations, and other stakeholders to ensure that host communities get the support they need and that refugees can lead productive lives.²

The focus of the Global Compact on Refugees is — as the name makes plain — refugees, who are at the core of UNHCR’s mandate under the *Statute of the Office of the UNHCR*.³ Preventing and ending statelessness, however, is also part

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¹ ‘Global Refugee Forum 2023’, *UNHCR* (Web Page) <<https://www.unhcr.org/global-refugee-forum-2023>>, archived at <perma.cc/ZRZ2-T38G>.

² UNHCR, ‘The Global Compact on Refugees’, *Global Compact on Refugees* (Web Page) <<https://globalcompactrefugees.org/about-digital-platform/global-compact-refugees>>, archived at <perma.cc/387A-9SL3>.

³ *Statute of the Office of the UNHCR*, UN Doc A/RES/428(V) (14 December 1950) <<https://www.refworld.org/legal/constinstr/unga/1950/en/21211>>, archived at <perma.cc/F7X3-47HH>.

of UNHCR's core mandate,⁴ yet the word 'statelessness' appears nowhere in the above quote and the Global Compact itself contains only a paragraph focused on statelessness, and only as a cause and consequence of displacement.⁵ This has created a gap between the Compact and UNHCR's mandate that has arguably resulted in the marginalisation of statelessness. The marginalisation of statelessness within UNHCR has a long history, but recent developments made it appear that this was finally beginning to change.⁶

II UNHCR'S APPROACH TO STATELESSNESS SO FAR

In 2014, UNHCR launched the Global Action Plan to End Statelessness, the *#IBelong* Campaign to End Statelessness ('*#IBelong* Campaign')⁷ and the First Global Forum on Statelessness.⁸ In 2019, UNHCR held the High-Level Segment on Statelessness,⁹ seeming to usher in a new age of increased UNHCR attention and advocacy on statelessness. UNHCR also convened the Group of Friends of the *#IBelong* Campaign to End Statelessness, a group of interested donor states. The future of statelessness eradication looked bright. At least one country eradicated statelessness¹⁰ and UNHCR estimates that at least half a million people worldwide have received a nationality, or had their nationality confirmed.¹¹ States have adopted regional frameworks and national action plans, multiple countries undertook statelessness mapping exercises, several enacted statelessness determination procedures ('SDPs') and others acceded to the *Convention relating to the Status of Stateless Persons*¹² and the *Convention on the Reduction of Statelessness*.¹³ A

⁴ *Question of the Establishment, in Accordance with the Convention on the Reduction of Statelessness, of a Body to Which Persons Claiming the Benefit of the Convention May Apply*, UN Doc A/RES/31/36 (30 November 1976) <<https://www.refworld.org/legal/resolution/unga/1976/en/8302>>, archived at <perma.cc/8JGT-D98J>, citing *National Experience in Achieving Far-reaching Social and Economic Changes for the Purpose of Social Progress*, GA Res 3274 (XXIX), UN Doc A/RES/3274 (XXIX) (10 December 1974).

⁵ *Global Compact on Refugees* (United Nations, 2018) [83] <<https://www.refworld.org/legal/agreements/unga/2018/en/124198>>, archived at <perma.cc/GFS9-9AJZ>.

⁶ See, eg, Allison Petrozziello, 'Statelessness as a Product of Slippery Statecraft: A Global Governance View of Current Causes, Actors, and Debates' (2019) 1(1) *Statelessness & Citizenship Review* 136; Lindsey N Kingston, 'Conceptualizing Statelessness as a Human Rights Challenge: Framing, Visual Representation, and (Partial) Issue Emergence' (2019) 11(1) *Journal of Human Rights Practice* 52.

⁷ UNHCR, *Global Action Plan to End Statelessness: 2014–24* (Action Plan, 4 November 2014) <<https://www.refworld.org/policy/strategy/unhcr/2014/en/101797>>, archived at <perma.cc/6Y8X-NE8C>.

⁸ UNHCR, *First Global Forum on Statelessness: New Directions in Research and Policy — Key Outcomes* (Conference Report, 6 October 2014) <<https://www.refworld.org/reference/confdoc/unhcr/2014/en/105019>>, archived at <perma.cc/JX9E-72BE>.

⁹ UNHCR, *High-Level Segment on Statelessness: Results and Highlights* (Conference Report, May 2020) <<https://www.refworld.org/reference/confdoc/unhcr/2020/en/123427>>, archived at <perma.cc/KZ38-8EYB>.

¹⁰ 'Kyrgyzstan Ends Statelessness in Historic First', *UNHCR* (Press Release, 4 July 2019) <<https://www.unhcr.org/news/news-releases/kyrgyzstan-ends-statelessness-historic-first>>, archived at <perma.cc/RK8Y-L5HX>.

¹¹ UNHCR, *Global Trends: Forced Displacement in 2019* (Report, 2020) 56–61 <<https://www.unhcr.org/ie/sites/en-ie/files/legacy-pdf/5ee200e37.pdf>>, archived at <perma.cc/S9R9-37N7>.

¹² *Convention relating to the Status of Stateless Persons*, opened for signature 28 September 1954, 360 UNTS 117 (entered into force 6 June 1960).

¹³ *Convention on the Reduction of Statelessness*, opened for signature on 30 August 1961, 989 UNTS 175 (entered into force 13 December 1975).

summary of these and other achievements can be found in the 2021 UNHCR external evaluation of UNHCR activities under the Global Action Plan.¹⁴

Despite this promising start, momentum over the last couple of years has slowed. Both the Global Action Plan and the *#IBelong* Campaign end this year with statelessness still a major humanitarian and human rights problem worldwide and a great deal of foundational work still left to do, including within UNHCR itself. Despite holding the global mandate, statelessness programming only receives a tiny fraction of UNHCR's budget; as little as 1% in 2020.¹⁵ UNHCR still cannot say, for example, how many stateless people there are in the world. Wars in Gaza, Myanmar and Sudan continue to raise the urgent need for solutions to statelessness as part of an integrated, cross-cutting approach, yet it is not clear how UNHCR will continue to make progress on statelessness in a climate of poisonous international tensions.

Although the proposed Global Alliance on Statelessness has yet to launch,¹⁶ UNHCR has downsized their Statelessness Unit and the Strategic Plan for statelessness for 2023–26. The Strategic Plan is only nine pages long and does not mention much in the way of new ideas for engagement with partners¹⁷ beyond references to the UN Secretary General's *Our Common Agenda*,¹⁸ the International Recommendations on Statelessness Statistics¹⁹ and the UN mechanisms on the *Sustainable Development Goals*.²⁰ An evaluation found that regionalisation and other internal reforms have not led to the mainstreaming or highlighting of statelessness within UNHCR.²¹ When it comes to UNHCR's role in providing a platform for global advocacy, there has been no Second Global Forum on Statelessness and UNHCR has left it to civil society to keep the momentum going at the global level. An example of the work of civil society in maintaining momentum is an event dedicated specifically to statelessness, the World Conference on Statelessness, hosted in Malaysia in February 2024 by the Institute on Statelessness and Inclusion.²² Yet, civil society lacks the resources and global reach of UNHCR. This leaves a gap between the global importance of

¹⁴ UNHCR, *Evaluation of UNHCR-led Initiatives to End Statelessness* (Executive Summary, 30 June 2021) <<https://www.refworld.org/policy/strategy/unhcr/2021/en/123885>>, archived at <perma.cc/ZY7Z-3DRJ>.

¹⁵ In 2020, the budget for 'statelessness work' in the overall organisational expenditure of UNHCR was around 1%: United States Department of State, Bureau of Population, Refugee and Migration, *Evaluation of PRM Supported Initiatives to Prevent and Reduce Statelessness* (Final Report, 23 April 2021) 4 <<https://www.state.gov/evaluation-of-prm-supported-initiatives-to-prevent-and-reduce-statelessness>>, archived at <perma.cc/MS8B-45C7> ('USDOS PRM, *Evaluation of PRM Supported Initiatives to Prevent and Reduced Statelessness*'). See also UNHCR, *Evaluation of UNHCR-led Initiatives to End Statelessness* (Final Report, May 2021) vol 1, 16 [57].

¹⁶ UNHCR, *Global Alliance on Statelessness* (Web Page) <www.statelessnessalliance.org>, archived at <perma.cc/N78D-2PDW>.

¹⁷ UNHCR, *Redoubling Our Efforts on Ending Statelessness: UNHCR's Strategic Plan 2023-2026* (Final Report, 2023) <<https://www.unhcr.org/media/redoubling-our-efforts-ending-statelessness-unhcr-s-strategic-plan-2023-2026>>, archived at <perma.cc/M9TZ-G6DB>.

¹⁸ *ibid* 4, citing UN, *Our Common Agenda: Report of the Secretary-General* (Report, 2021).

¹⁹ *ibid*, citing Expert Group on Refugee, Internally Displaced Persons and Statelessness Statistics, 'International Recommendations on Statelessness Statistics (IROSS)' (Recommendations, January 2023).

²⁰ *ibid* 1, 3.

²¹ USDOS PRM, *Evaluation of PRM Supported Initiatives to Prevent and Reduce Statelessness* (n 15) 15.

²² 'World Conference on Statelessness 2024', *Institute on Statelessness and Inclusion* (Web Page) <<https://www.institutesi.org/pages/conference2024>>, archived at <perma.cc/2EN2-JWU2>.

statelessness as a cross-cutting and urgent human rights and humanitarian issue, and the level of attention the issue is receiving from the international system, particularly at the UN.

The GRF presented an opportunity for UNHCR to keep the momentum going on statelessness during this critical and transitional time in the agency's statelessness work. Unfortunately, UNHCR's own work on statelessness, including the *#IBelong* Campaign and the Global Action Plan, were hardly mentioned at the GRF. This is not to say that the subject of statelessness did not come up at the GRF at all, but it was kept in the spotlight mostly through the efforts of stateless advocates and civil society, not UNHCR, and focused more on the actions that are being taken independently of the agency. When UNHCR did highlight statelessness, it was via events like the Nansen Refugee Award, which recognised the work of stateless Rohingya journalists and activists Abdullah Habib, Sahat Zia Hero, Salim Khan and Shahida Win, where UNHCR treated the fact of their statelessness as something of a side issue.²³ In general, UNHCR failed to mainstream statelessness throughout the GRF and failed to highlight its own work through the *#IBelong* Campaign and Global Action Plan, mostly leaving it to others to bring their energy and urgency to focus the collective attention on statelessness. Many panels and side events, though organised with UNHCR collaboration, promised to mainstream statelessness throughout the discussion, but often failed to do so, serving instead to highlight how much of an afterthought statelessness still is to UNHCR.

It is worth noting and celebrating the bright spots on statelessness at the GRF that were organised primarily by civil society, including by stateless person-led organisations, which served as relief from the otherwise draining feeling of marginalisation at the GRF as a whole. This grassroots activism was a rare bright spot in an event otherwise dedicated to donor priorities of refugees and migration, including policies of containment, 'burden sharing' and 'managing' migration. Activists and formerly stateless persons Azizbek Ashurov and Maha Mamo contributed to a panel on ending statelessness worldwide,²⁴ and Christiana Bukalo, Aleksejs Ivashuk, Neha Gurung and Noor Azizah contributed to a discussion on statelessness with Goodwill Ambassador, Cate Blanchett.²⁵ Civil society also launched a multi-stakeholder pledge to contribute to the planned UNHCR Global Alliance on Statelessness and the Solution Seekers Program.

III STATELESSNESS AT THE NEXT GLOBAL REFUGEE FORUM

It may not have surprised most statelessness advocates to see statelessness marginalised by UNHCR at the GRF, alongside other critical topics like climate displacement and peacebuilding. It was still disappointing that this would occur in the penultimate year of the *#IBelong* Campaign and Global Action Plan, when

²³ They were recognised as the 2023 regional winners for Asia and the Pacific: Tristan McConnell, 'With Photographs, Words, and Deeds, Rohingya Refugee Storytellers Weave Hope From Despair', *UNHCR* (online, 28 November 2023) <<https://www.unhcr.org/news/stories/photographs-words-and-deeds-rohingya-refugee-storytellers-weave-hope-despair>>, archived at <perma.cc/V62L-VMX4>.

²⁴ UNHCR, 'From Pledges to Results: Realizing a World Free from Statelessness Through Collaborative Action' (Global Refugee Forum, 15 December 2023).

²⁵ 'Multistakeholder Approaches towards Ending Statelessness' (12 December 2023). This was an event linked to the Global Forum on Refugees co-sponsored by several civil society organisations.

UNHCR's support is needed more than ever. While UNHCR was clear from the start of the campaign that it did not expect to end statelessness in 10 years, there were hopes that a high-level campaign would serve as a catalyst to catapult the problem to global attention and, in particular, to elevate and mainstream statelessness as a core priority within UNHCR itself. Besides focusing more of its own resources and attention to the problem of statelessness, UNHCR can and should also be pushing to mainstream the topic throughout the UN's work, as the European Network on Statelessness has also urged them to do.²⁶ After all, if the agency mandated to tackle statelessness is, itself, failing to prioritise the issue, what hope is there in getting others to take action?

Watching UNHCR fail to highlight statelessness as a central and cross-cutting issue throughout its programming at the GRF raises the question of whether other UN agencies should also be doing more on statelessness. It should not fall primarily to civil society to do the hard work of keeping an issue like statelessness at the forefront of the global agenda. While some UN agencies like the UN Children's Fund ('UNICEF') already work on specific aspects of eliminating statelessness, such as birth registration,²⁷ much more could be done to centre and elevate the issue within the UN family. UNHCR itself should be leading the debate on how best to mainstream statelessness throughout the rest of the UN, as well as with other institutional actors and donors like the World Bank and the US Agency for International Development ('USAID'). These institutions could also take the initiative, however, by opening up new lines of funding, research and advocacy.

While statelessness will remain an important cause and consequence of displacement, it is also a matter of basic human rights and intersects with gender, racial discrimination, poverty, health, education and so many other issues. It also intersects with the Sustainable Development Goals; not only Target 16.9 on legal identity, but all of them. Like with the issue of gender equality, it should be possible to have a dedicated UN agency that centres an issue, like UN Women, while also allowing that issue to be mainstreamed and integrated throughout the UN system as a whole, as well as other international institutions. Mainstreaming statelessness throughout the UN system as a whole would also unlock more funding for those in civil society who are doing the work, with so many grassroots organisations now struggling to access the kind of global funding sources that education and poverty reduction organisations, for example, can access through giant donors like USAID and the UN Development Programme.

IV CONCLUDING REMARKS

This September will bring the global UN event, the 'Summit of the Future', to New York City.²⁸ UNHCR has urged that civil society organisations that work on statelessness engage with this event to make sure that statelessness is on the

²⁶ Chris Nash, 'New Year's Resolutions — Five Ways the International Community Can and Must Do More to Address Statelessness', *European Network on Statelessness* (online, 9 January 2024) <<https://www.statelessness.eu/updates/editorial/new-years-resolutions-five-ways-international-community-can-and-must-do-more>>, archived at <perma.cc/34PD-UUGT>.

²⁷ See, eg, UNICEF Thailand, 'Ending Statelessness for a Bright Future for Every Child', *UNICEF* (Web Page, 17 March 2021) <<https://www.unicef.org/thailand/livesuntold#unicef-work-to-end-statelessness>>, archived at <perma.cc/7RYW-6SD6>.

²⁸ The Summit is scheduled for 22–3 September 2024. See 'Summit of the Future', *United Nations* (Web Page, 2023) <<https://www.un.org/en/summit-of-the-future>>, archived at <perma.cc/3WJZ-MJ6A>. The Summit is a 'once-in-a-generation opportunity' to rethink and reimagine global cooperation.

agenda, but UNHCR itself should also do more to make this happen, as should other UN agencies and institutional actors. This year will also bring other fora in which UNHCR, as well as the broader UN family, can help raise the profile of statelessness, including, for example, through approaches like Cartagena +40 in the Americas.²⁹ It will take a concerted and coordinated whole of UN effort to highlight statelessness at these giant events. Yet, with war raging in Gaza, Sudan and Myanmar and millions still stateless around the world, it is clear that the goal of ending statelessness desperately needs its UN champion, UNHCR, to do more, while also needing more than just one UN champion. The real burden sharing that needs to happen on ending statelessness is not between and among states, but between the UN as a global institution, on the one hand, and under-funded, grassroots civil society organisations, on the other, who should not — and cannot — go it alone.

²⁹ The Cartagena+40 is the event commemorating the 40th anniversary of the *Cartagena Declaration on Refugees* (adopted 22 November 1984) in *Annual Report of the Inter-American Commission on Human Rights 1984–1985*, OAC Doc OEA/Ser.L/V/II.66, doc. 10, rev. 1 (1 October 1985). Every 10 years, countries in Latin America and the Caribbean meet to update and review their regional strategy for addressing the situations of refugees, displaced persons and stateless persons.