

CRITIQUE & COMMENTARY

UNHCR AND STATELESSNESS 30 YEARS ON: A CALL FOR MANDATE REVIEW AND MANDATE EQUALITY

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I INTRODUCTION

The United Nations High Commissioner for Refugees ('UNHCR') is a United Nations ('UN') agency created in 1946 to assist refugees and other forcibly displaced persons and communities. While UNHCR has had some responsibility for stateless persons since the 1950s, though mainly for stateless refugees,¹ it was only given a global mandate on statelessness through arts 15 and 16 of the UN General Assembly Resolution A/RES/50/152 in December 1995.² The most widely used official definition of statelessness is linked to the concept of a stateless person. As defined by art 1(1) of the 1954 *Convention relating to the Status of Stateless Persons* ('1954 Convention'), a stateless person is 'a person who is not

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¹ See Mark Manly, 'UNHCR's mandate and activities to address statelessness' in Alice Edwards and Laura van Waas (eds), *Nationality and Statelessness under International Law* (Cambridge University Press 2014).

² Article 15 of the United Nations General Assembly Resolution A/RES/50/152 requests UNHCR 'actively to promote accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the reduction of statelessness, as well as to provide relevant technical and advisory services pertaining to the preparation and implementation of nationality legislation to interested States': *Office of the United Nations High Commissioner for Refugees*, UN Doc A/RES/50/152 (9 February 1996, adopted 21 December 1995) art 15.

considered as a national by any State under the operation of its law'.³ Over the years, UNHCR's mandate on statelessness has evolved from just supporting member states to include the identification, prevention and reduction of statelessness, as well as the protection of stateless persons.⁴

Statelessness has gained political importance and attention at national and international circles in recent years. Several scholars and professionals have recognised statelessness as an anomaly that needs to be eradicated. This has led UNHCR towards efforts, activities and commitments which have increased states' awareness and commitment to address it. In 2014, UNHCR launched the *#IBelong Campaign* to end statelessness by 2024. It laid out a ten-point *Global Action Plan to End Statelessness* to mobilise governments and partners to resolve statelessness within the following 10 years.⁵ With the *#IBelong Campaign* having come to an end, UNHCR and member states have done much to address and eradicate statelessness over the last decade. I argue in this commentary that these efforts have been inconsistent, thereby yielding insufficient results; the phenomenon of statelessness still persists and the official number of stateless persons is still on the rise, especially as more states are reporting statelessness figures.

This commentary will consider how UNHCR has addressed statelessness to date and some major issues with its current approach. It will discuss what UNHCR could further do to address statelessness more effectively in future. In doing so, this commentary will focus on a number of key areas, including funding, staffing and capacity-building, operationalising the fight against statelessness and 'mandate equality' with UNHCR's refugee mandate. This commentary builds on recent assessments of UNHCR's work on statelessness, including the *Evaluation of PRM-Supported Initiatives to Prevent and Reduce Statelessness* ('2021 PRM Statelessness Evaluation Report') and the *Evaluation of UNHCR-led Initiatives to End Statelessness* ('2021 UNHCR Evaluation Report on Statelessness').⁶ It also benefits from the author's own observations, relying on professional experiences working with UNHCR in five different operations across Africa.

II UNHCR'S ROLE IN ADDRESSING STATELESSNESS

UNHCR's policy on statelessness is largely based on the application of the two UN *Statelessness Conventions*, namely the *1954 Convention* and the *1961 Convention on the Reduction of Statelessness* ('1961 Convention').⁷ The *1954 Convention* prescribes primary and minimum rights that are supposed to be guaranteed, safeguarded and enjoyed by stateless persons. Unfortunately, states often do not respect these rights when statelessness occurs — both those that have

³ *Convention Relating to the Status of Stateless Persons*, opened for signature 28 July 1951, 189 UNTS 150 (entered into force 22 April 1954) art 1(1) ('1954 Convention').

⁴ 'Ending Statelessness', UNHCR (Web Page, 2025) <<https://www.unhcr.org/what-we-do/protect-human-rights/ending-statelessness/how-unhcr-helps-stateless-people>>, archived at <perma.cc/8T3Q-UCKN>.

⁵ See UNHCR, *Global Action Plan to End Statelessness 2014–2024* (Report, 2014) ('*Global Action Plan to End Statelessness 2014–2024*').

⁶ See Bureau of Population, Refugees, and Migration, United States of America Department of State, *Evaluation of PRM-Supported Initiatives to Prevent and Reduce Statelessness* (Final Report, 23 April 2021) ('2021 PRM Statelessness Evaluation Report'); UNHCR, *Evaluation of UNHCR-led Initiatives to End Statelessness* (Final Report – Volume 1, May 2021) ('2021 UNHCR Evaluation Report on Statelessness').

⁷ *Convention on the Reduction of Statelessness*, opened for signature 30 August 1961, 989 UNTS 175 (entered into force 13 December 1975) ('1961 Convention').

ratified the *1954 Convention* and those that have not. Once a state has no legal bond to an individual, such a person cannot effectively claim entitlement to certain rights in that particular state. It is the state's duty to respect, promote, protect and fulfil the human rights of its nationals or citizens and other persons found in its territory.⁸

The *1961 Convention*, on the other hand, is based on the fundamental principle that a state should grant nationality 'to a person born in its territory who would otherwise become stateless',⁹ as well as to a person not born in its territory if one of their parents was a national of the state and the person would otherwise become stateless.¹⁰ More importantly, the *1961 Convention* prescribes that a foundling should acquire the nationality of the state in which they are found.¹¹ It is this author's observation that the *1961 Convention* has emerged as UNHCR's preferred framework for its *#IBelong Campaign*, because it has focused more on ending statelessness than on protecting stateless persons.

While these two UN *Statelessness Conventions* provide the legal framework for statelessness, UNHCR provides the policy and institutional frameworks for the global management of statelessness. The organisation has the further mandate to coordinate operations amongst states related to the management of statelessness.¹² Over the past 30 years, UNHCR has 'made significant strides towards institutionalising and mainstreaming its statelessness mandate' by creating a dedicated Section on Statelessness ('Statelessness Section'), introducing regional statelessness officer positions and also introducing a dedicated budget and planning pillar for its statelessness work.¹³

Following the creation of the Statelessness Section at UNHCR Headquarters in Geneva, several efforts have been made to address statelessness globally. These include increasing the number of staff specifically addressing this issue, increasing expenditure on statelessness activities and increasing Regional Bureaus and Country Representatives for greater institutional management.¹⁴ UNHCR had also introduced the *Global Action Plan to End Statelessness* in the framework of the *#IBelong Campaign*.¹⁵ However, the organisation's approach to statelessness has proven to be inconsistent in identifying and protecting stateless persons. The *#IBelong Campaign* and the *Global Action Plan to End Statelessness*, for instance, did not clearly and explicitly establish the roles and responsibilities of various stakeholders to implement these actions, thereby making it more subjective and open to conflicting interpretations by some of the stakeholders.

Although UNHCR's overall efforts in fighting statelessness are commendable, the organisation has failed to address the issue with the same attention, rigor, institutional efforts and determination as it has with refugee issues. I highlight this imbalance in four key areas, namely in funding, capacities for work on

⁸ 'Legal protection of human rights', *Council of Europe* (Web Page, 2025) <<https://www.coe.int/en/web/compass/legal-protection-of-human-rights>>, archived at <perma.cc/UD2K-H777>.

⁹ *1961 Convention* (n 7) art 1.

¹⁰ *ibid* art 4.

¹¹ *ibid* art 2.

¹² See Darren Ekema Ewumbue Monono, 'An African Response to Statelessness: A Case for Peoples' Right to Nationality' (PhD Thesis, Pan African University, Institute for Governance, 2022) 2–4.

¹³ See *2021 UNHCR Evaluation Report on Statelessness* (n 6) iv.

¹⁴ *ibid* 9–11.

¹⁵ *ibid* 4.

statelessness, operationalisation in the fight and an overall failure to create ‘mandate equality’ with the organisation’s refugee mandate.

A *Funding Statelessness Work*

Over the past 30 years, funding for statelessness activities has ranged only between 1.6% and 0.9% of UNHCR’s total budget, as opposed to the over 95% dedicated to refugee issues.¹⁶ Compared to allocations for refugee work, expenditure and programming, statelessness is the ‘orphan’ in UNHCR’s house. What is even more frustrating is the fact that while budget allocations have increased with the growth in refugee populations, budgets for statelessness have not, even when known stateless populations have grown by 25%.¹⁷

Closely related to UNHCR’s budget allocations on statelessness is the use of donor appeals beyond the core budget to support work on statelessness. For instance, UNHCR attempted to raise funds through a special appeal in 2017–2018, seeking \$47 million to target statelessness-related activities in 11 countries that host major stateless persons and populations at risk of statelessness.¹⁸ However, not only did the appeal fail to attract the required funding, but UNHCR has never repeated similar efforts at fundraising through its Donor Relations and Resource Mobilisation Service, or through other online targeted fundraising efforts on statelessness.¹⁹ Even in the midst of the 2014–2024 *Global Action Plan to End Statelessness*, there were minimal efforts by the organisation to fundraise the necessary resources to effectively address statelessness. The timid response of donors to the appeal on statelessness may possibly explain why they have not relaunched similar initiatives.

B *Capacities for Work on Statelessness*

Another deficit in UNHCR’s work on statelessness is the number of dedicated staff working on the issue within the organisation. As of 2023, there were fewer than 25 statelessness officers within the entire organisation, compared to the over 17,000 UNHCR personnel worldwide.²⁰ In fact, UNHCR itself puts the number of officers specifically dedicated to statelessness at ‘more than 20 specialists’,²¹ which contrasts with the official figures of 4.4 million stateless persons.²² Given the scale of the problem, one would realistically expect hundreds of statelessness officers to work on the issue globally. However, it has been frequently argued within some UNHCR policy circles that all protection staff, the vast majority of whom work on refugee issues, can handle issues of statelessness whenever they

¹⁶ *ibid* 16.

¹⁷ *ibid* v.

¹⁸ *2021 PRM Statelessness Evaluation Report* (n 6) 5.

¹⁹ See *ibid*.

²⁰ See UNHCR, *Programme Budget for 2024 of the Office of the United Nations High Commissioner for Refugees* (UN Doc A/AC.96/74/5, 1 September 2023). The reported requirements for number of staff for the 2024 budget was 17,078 posts: *ibid* 59. Additionally, my in-house knowledge of UNHCR as a former staff member has led to my independent assessment and verification that at the time of writing, there were currently not up to 25 statelessness staff globally.

²¹ *Global Action Plan to End Statelessness 2014–2024* (n 5) 7.

²² See UNHCR, *Global Trends: Forced Displacement in 2022* (Report, 14 June 2023) 5, 43.

arise.²³ This is not convincing, as statelessness deserves its own share of adequate manpower within the organisation beyond just a handful of officers in Geneva and the Regional Bureaus. It is therefore important for UNHCR to have a substantial number of both senior and regular statelessness officers within the Headquarters in Geneva, in the Regional Bureaus and its country representations that work to address statelessness in a more coordinated and sustainable manner.

This lack of sufficient, dedicated and experienced staffing on statelessness also directly translates to how the organisation handles this phenomenon. While most issues under UNHCR's mandate have either Divisions or Services within the organisational structure, statelessness has been treated as an appendage with only one Section. There is therefore little senior leadership on statelessness matters within UNHCR's International Protection Division, which greatly affects its field operations and its agenda-setting within the organisation. As a consequence, the *2021 PRM Evaluation Report* recommended that UNHCR replace its 'Statelessness Section' with a 'Statelessness Division' or a 'Statelessness Service'.²⁴

Related to staffing is the entrenched marginalisation of statelessness in the organisation's training programs. For instance, 'a separate training on statelessness is not mandatory for protection staff', even though statelessness is part of the organisation's core mandate.²⁵ UNHCR's existing capacity building programs with partners, such as national governments and civil society, are often not matched by its own internal policy of capacity building on statelessness, where there are limited trainings and courses for its own staff.

C *Operationalising the Fight Against Statelessness*

Beyond funding and staffing constraints, another deficit in UNHCR's response has essentially been its treatment of statelessness as a policy issue rather than as an operational issue in the field, with its core staff being mostly within headquarters and regional offices. This can be seen as more resources are spent on drafting and developing policy documents rather than resolving stateless situations on the ground. The *2021 UNHCR Evaluation Report* reveals that statelessness in the field is often left to UNHCR Country Representatives to grapple with, instead of adopting a global standard which would guide the operations.²⁶ As UNHCR's interface with national governments and the organisation's most influential decision-makers, the Country Representatives have the responsibility and discretion to prioritise statelessness work in their national operations. They determine the degree to which statelessness work could or should be funded and staffed, whether their operations should take substantial efforts to influence government decisions by building the awareness and capacity of both partners and governments, as well as whether politically sensitive topics should be broached publicly, privately or not at all.²⁷ This means that the Country Representatives' familiarity and understanding of statelessness as an issue matters significantly, for

²³ This has been my observation from my time at UNHCR through the various Country Representations I served in from 2016 to 2023. See the author's biographical footnote for further details.

²⁴ *2021 PRM Statelessness Evaluation Report* (n 6) vii.

²⁵ *ibid* 8.

²⁶ See *2021 UNHCR Evaluation Report on Statelessness* (n 6) 48.

²⁷ *ibid*.

their comfort level in engaging with governments and key decision-makers plays an important part in determining whether UNHCR can address and provide sustainable solutions to statelessness at a country level. This situation shows that in the absence of a dedicated Service or Division on statelessness within UNHCR and appropriate representation at regional and country levels, UNHCR's response varies from one country operation to another rather than constituting a harmonised institutional policy response.

As a result, UNHCR has not been clear on the best way to address statelessness across the globe in a uniform or standard manner. In some countries, it advocates for states to develop National Action Plans to End or Eradicate Statelessness, while in other countries it recommends the establishment of frameworks for statelessness status determination procedures. For instance, as of 2023, UNHCR provided assistance to 21 governments to develop National Action Plans to End or Eradicate Statelessness.²⁸ At the same time, it assisted over 20 governments to establish protection regimes for stateless persons.²⁹ This dual and ambiguous UNHCR policy response to statelessness contrasts with the organisation's approach to refugee affairs, where refugee status determination is a strong pillar of its global response. It has left the impression that there is no harmonised statelessness programming policy within UNHCR Headquarters.

Since 1995, UNHCR has largely focused on the reduction and/or elimination of statelessness rather than the protection of stateless persons, as visible in the priorities of the *#IBelong Campaign* and the *Global Action Plan to End Statelessness*. As such, the campaign has not sufficiently challenged UNHCR's internal de-prioritisation of the protection of stateless persons and those at the risk of statelessness.³⁰ This is partly why statelessness and stateless persons are being underreported globally; their protection is almost non-existent because UNHCR places greater emphasis on reducing its occurrence, rather than ending and eradicating the phenomenon.

It might be argued that the reduction of statelessness is more useful than the actual protection of stateless persons. However, the reality is that this approach has not worked. The number of stateless persons continues to increase, which is also attributable to improved identification efforts. UNHCR needs a better governance framework to protect stateless persons and eventually reduce and end statelessness globally. UNHCR has the responsibility to mobilise the necessary political will on statelessness and take measures that could include, amongst other things, improved data, registration of stateless persons, statelessness status determination procedures, recruitment of more statelessness staff, as well as more resource allocation to protect and assist stateless persons and guarantee their rights as prescribed in the *1954 Convention*.

²⁸ UNHCR, *Beyond the #IBelong Campaign: UNHCR's Focus Area Strategic Plan and Global Alliance* (Presentation at the International Conference on the Great Lakes Region ('ICGLR')-UNHCR Experts' Conference on the Eradication of Statelessness, Nairobi, Kenya, 25–27 July 2023) 5 ('UNHCR, *Presentation on Statelessness*').

²⁹ *ibid* 4.

³⁰ *Global Action Plan to End Statelessness 2014–2024* (n 5). Among the ten-point Plan, only actions 6 and 10 are in line with the *1954 Convention*. Action 6 stipulates the protection of stateless migrants, including facilitating their naturalisation: *ibid* 20. Action 10 stipulates an improvement in a quantitative and qualitative data on stateless populations: *ibid* 30.

D *Absence of Mandate Equality*

More generally, UNHCR is reluctant to form a global statelessness status determination approach within its Headquarters and operations similar to that utilised for refugee status determination. One of the *2021 PRM Statelessness Evaluation Report's* key recommendations was that UNHCR needs to give adequate and appropriate attention to its statelessness mandate if it wants to achieve 'mandate equality' with its refugee mandate.³¹ UNHCR supports several countries worldwide in establishing refugee status determination procedures and mechanisms, but this same attention or support is not given to statelessness. As argued by Omar Alansari, stateless persons should be registered following similar modalities as refugees and be given as much attention as other persons of concern by UNHCR and the international community at large.³² Some countries in Europe and Latin America have established statelessness determination procedures, with Cote d'Ivoire becoming the first African country to set up a statelessness status determination procedure in September 2020.³³ By 2023, the number of countries with statelessness status determination procedures exceeded 20, with more established since.³⁴ UNHCR should support more states in the establishment of statelessness status determination procedures just as it does with refugee affairs.

Overall, UNHCR's leadership and prioritisation of statelessness-related work since 2014 has been inconsistent and insufficient compared to other agenda issues, such as its efforts to promote the *Global Compact on Refugees*.³⁵ Furthermore, UNHCR's short-term, emergency mindset has further relegated statelessness down the list of priorities within an organisational culture that emphasises quick-impact activities over the long-term actions required for its statelessness work. As such, UNHCR's institutional culture has not adequately evolved to match the needs and challenges of the objectives of the *#IBelong Campaign* and the organisation's mandate for statelessness.³⁶

III CONCLUSION

With the end of the *#IBelong Campaign* in 2024 and the celebration of the 30 years of UNHCR's global mandate on statelessness in 2025, the agency owes the international community a proper review of its existing policies, programs, mechanisms and structures put in place to address statelessness. The two evaluations are a start, but they have not yet triggered the comprehensive reforms that are needed. Given the current state of affairs, it is high time UNHCR carries out an institutional reform that might reset the work on statelessness globally. There is therefore a need for UNHCR to ensure a policy reversal that provides 'mandate equality' with that of its historic refugee mandate, develops a global

³¹ *2021 PRM Statelessness Evaluation Report* (n 6) 30.

³² See Omar Alansari, 'Identity without Citizenship: Towards a global uniform registration system for the stateless' (PhD Thesis, Queen's University Belfast, 2020).

³³ UNHCR, 'Côte d'Ivoire adopts Africa's first legal process to identify and protect stateless people' (Press Release, 4 September 2020) <<https://www.unhcr.org/news/news-releases/cote-divoire-adopts-africas-first-legal-process-identify-and-protect-stateless>>, archived at <perma.cc/4KBA-9FC4>.

³⁴ UNHCR, *Presentation on Statelessness* (n 28).

³⁵ See 'The Global Compact on Refugees', *UNHCR* (Web Page, 2025) <<https://www.unhcr.org/au/about-unhcr/who-we-are/global-compact-refugees>>, archived at <perma.cc/RKU9-WX6K>.

³⁶ See *2021 UNHCR Evaluation Report on Statelessness* (n 6) vii–viii.

statelessness status determination standard, as well as increases the number of dedicated staff and the amount of spending on statelessness. From an institutional perspective, UNHCR's work on statelessness needs its own dedicated Service or Division moving forward. This will increase coordination at Headquarters, but also ensure 'mandate equality' with other policy issues the agency is dealing with.

Although UNHCR ultimately has the duty to reduce or eliminate a global threat like statelessness, the manner in which it has been handled so far has not yielded enough results. It has failed to provide a harmonised and global approach, leaving much of these efforts to UNHCR country operations to handle on a case-by-case basis. Statelessness is a global threat that deserves significant attention and a response commensurate to that of refugee governance. Beyond just struggling to end and eradicate statelessness, stateless persons need and deserve to be identified through statelessness status determination procedures, and be recognised and granted protection as prescribed by the *1954 Convention*. Once they are protected, the durable solution would be to have their status resolved, as no stateless person would want to remain stateless forever.