



Ending Statelessness or Ending Statehood?

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**ENDING STATELESSNESS
OR
ENDING STATEHOOD?**

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Part 1

END NOT STATELESSNESS BUT STATEHOOD!

Or END STATELESSNESS BY ENDING STATEHOOD!

ENS, European Network on Statelessness has launched a campaign to end childhood statelessness on wemove.eu. UNHCR has also launched a campaign in 2014 to end statelessness in 10 years. The ENS campaign is for Europe, UNHCR is global; ENS is targeted for children, UNHCR for everybody. Especially UNHCR has put up stories, got celebrities to join them, got signatures etc. I read and read, every page on these websites. I read and read... I understand and know all the troubles statelessness causes. And I definitely agree that they need to be solved. I read and read... I see their goodwill and effort. But as much as I try, I cannot bring myself to join their side on these campaigns, I cannot put my name there.

Yes, statelessness is a very big issue, -maybe even one of the biggest of our times, just one that most people are not aware of. Statelessness needs to be solved. But my logic for solution works the other way around. Statehood is the problem that needs to be solved.

I read and read... I cannot understand how these big big people accept the status quo as the “normal” that needs to be kept as is and protected whereas removing the need for papers, removing statehood, removing the requirement to have a nationality in order to go to school, to access health-care, to work etc. is the most logical way out. It's so ridiculous the way things are. We are made to not exist by the political order, by the “system” if we don't have papers. But #WeExist even without papers. How can you deny this reality and expect a basic human existence to depend on recognition by a “state”?

But that's the way it is. What's worse, people see it as “normal”. I see it as the abnormality that needs to be got rid of.

UNHCR with all the money, support, visibility and recognition in the world can get somewhere, can get ten thousands of signatures, what do you think my chances are if I launched a campaign to end statehood?

Is there even a need to answer that question?

I launched... Actually I didn't launch, I just put it up on my website and announced it to friends on social media, that I was going to go to every country in the world and burn my passports, how many people signed in to support me? Three... One is my husband. The other is someone I had met in a forum on the Economist, he was for no borders but even he found my idea funny and laughed about it. He signed only after I said I was dead

serious and he realized I was. The third person to sign was someone I came across on Twitter when I was bombarding “Safe-passage is NOT enough” messages. She said she agreed with me. And when I asked if we could do something about it, get more people to become aware, she signed my “petition” and retweeted me. Well... It was bad timing, she, along with most people, was after the Orlando shooting, and that was that.

My “campaign” would not be for “open” borders, it is for “open” statehood. It is for redefining all our political definitions.

Part 2

A VIRTUAL CHAT

As I read, I started chatting with ENS, and UNHCR too. So here is my one-way conversation with them, through their letter:

ENS: There is an urgent need for European States to act to prevent children from growing up without a nationality.

G: There is an urgent need for World States to act to prevent babies growing up into a nationality.

ENS: The majority of Europe’s stateless kids were born in Europe; many of them would not remain stateless today if all European countries had in place legal safeguards against childhood statelessness as required by international law.

G: It is outrageous and unacceptable that a person is not considered a person if s/he does not have a state to belong to. It is outrageous and unacceptable that one needs to have a nationality in order to get an education, health care, or any satisfy any other basic human need thereof. This is all the more so in our very globalized world. Yes, there are many nationalists and fascists, many xenophobes, but there are also many humanists who consider themselves as “only human” and see other people as “people” above any other label. International law should safeguard against discrimination by statehood, which unfortunately is the status quo in the world we live.

ENS: The shocking reality is that more than half the countries in Europe are failing to meet these obligations, thereby denying a nationality to thousands of children across the continent.

G: The shocking reality is that almost all the world seems to deny this reality i.e. That we

are all humans. The powers that be, want to dictate and define us according to our nationalities and statehood, confine us by some arbitrary lines that were drawn by a bloody war or by bloody politics. This belief in states is so prevalent and so strong that almost nobody even questions it.

ENS: The European Network on Statelessness urges all European states to:

- * Accede to the UN 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;
- * Address gaps in their laws and practice in order to implement comprehensive safeguards to identify and grant nationality to children born on their territory who would otherwise be stateless, as soon as possible after birth;
- * Ensure access to free and universal birth registration in order to prevent statelessness.

G: I, Gülin De Vincentiis, urge all World states to:

- * Drop all their conventions defining people by states, ie. Remove the senseless, the unacceptable, the ridiculous definition of “Stateless Persons” from your definitions, laws, rules etc. Remove “Statefull” Persons as well along with it.
- * Address gaps in your laws and practice in order to implement a world where humans will be humans wherever they might have been born on this planet we live.
- * Ensure access to free and universal education, health care to provide basic human needs in order to prevent the troubles you cause humans for being born in a “wrong” place to “wrong” people, the wrong being defined by your, sorry to say, “stupid” rules and regulations.

Why is This Important?

ENS: Most people take their nationality for granted; they do not think about how or why they got it, what it allows them to do or what would be different if they had none.

G: True. Yes, people do not think about why they've got a nationality. WHY? Why do we get a nationality? So that we can be bound and be punished by the laws of the state if we do any wrong? Or so that we know who needs to take care of us, educate us, provide for us in case of need? Seriously... Why do we really get a nationality? For me, there is no reasonable answer to that question. The fact is, we do not need a nationality in order to exist. So we should not be needing it in order to survive in this world. So states should at least remove their obligations on us people to belong to one of them. They should stop forcing us to belong to a state just in order to live a decent life.

ENS: Sadly, this is not the case for thousands of children in Europe who are growing up without nationality. For those affected this can mean missing out on healthcare, education and other opportunities, as well as result in unfulfilled potential and a sense of never quite belonging. It brings hardship and anguish to children and their parents alike.

G: Sure. The way the current society, states and countries are set up, statelessness affects people in a very negative, adverse way. As statehood is fiction, a state/a status they define us into, it should be removed from the international vocabulary. We all naturally belong to a family, a group, or humanity. We do not need any more identification.

They didn't let my daughter go into the playground at IKEA without an ID card. What did they do when I showed them? They just leaned over pretending to look. They didn't take a note of the name, the birth date or the photo. It's just the gesture itself that satisfies them. It's obvious my daughter falls within the age group allowed. Her name is the name I tell IKEA, it's the name my daughter responds to when called out. I could have picked her up easily, they would not have confused her either. It is the most stupid and ridiculous thing to ask for ID's in every place you go. You buy a fridge, they ask for your ID number; you buy a chewing-gum, they'll soon be asking to see your dental certificate... approved by a certified MD! Yes, all this paperwork brings unnecessary, hardship and anguish to children, their parents, to humans in general. Even though I have all the proper papers, I always feel stressed when I'm about to go anywhere.

ENS: There are a number of ways in which a child could end up without a nationality. Sometimes statelessness is passed on from stateless parents to their children. Other times, a child fails to acquire a nationality at birth because of a conflict between different nationality laws, or may not be able to prove their legal identity because they were not issued with a birth certificate. Statelessness can also be a problem for some children born to refugees. It can also result from international surrogacy, adoption or where children have been abandoned at birth.

G: Saying “a child could end up without a nationality” is like a child ending up without permission to breathe. This is against all natural law, logic, fairness and justice. Passing statelessness from parents to children is senseless as passing rulership from parent to child. Having to prove your “legal identity” is ridiculous while you obviously exist as flesh and bone in front of other people who have “legal identities”. **A birth certificate is not what makes you exist, the fact that you were born does.** There is no reason why we cannot name ourselves at any stage we like, like the Indians acquiring a name after they overcome an obstacle, accomplish a feat. All this identity craze is for having control over people. And I agree that people and masses are difficult to deal with and some kind of control would be nice. But then, the people who have the power of control need to be controlled too. As we can see looking at the state of the world, they've made a mess out

of it and making it worse with every passing day. After all, they're the ones who created this thing called statehood, thus all the troubles caused by statelessness.

ENS: No child should be left without nationality. It is a problem that is entirely solvable. UN conventions provide a clear legal framework to define and tackle the issue. By establishing safeguards in nationality laws to ensure that any child born on the territory of a country will be entitled to nationality if they would otherwise be left stateless, we could end childhood statelessness within a generation!

G: Yes. **Everybody** should be left without nationality. Or to state it in other words, **Nobody** should have a nationality. It is a problem that is entirely solvable. We can re-write all conventions. Instead of abiding by old conventions written by different people from a different era, we can sit down, define and write down a brand-new set of conventions to make the many wrongs of today right. By abolishing nationality laws, we could end childhood statelessness or statelessness in general be it child or adult. We could end the problems statelessness causes to people who have no fault. We can do this -not within a generation - even within a decade!

If there is a will...

There is a way....

Part 3

OPEN LETTER TO END STATEHOOD

In the “Open Letter to End Statelessness” of UNHCR they ask you to sign “and become part of the global movement to end this injustice.” Their letter starts with:

“#IBELONG to a world where everyone has the right to a nationality.”

#IDONOTBELONG to a world where everyone has to have a nationality to live a dignified human life. #IBELONG to a world where everyone has the right to basic human needs to live a dignified life without having to have a nationality. As there is no such world, or as we don't live in such a world, #IDONOTBELONG
So now let me go through the rest of the letter as I did with the ENS campaign:

UNHCR: Across the world today more than ten million people are told they don't belong ANYWHERE. They are called ‘stateless’. They are denied a nationality. And with it, they are denied their basic rights. Statelessness can mean a life without education, without medical care, or legal employment. It can mean a life without the ability to move freely, without prospects, or hope. Statelessness is inhumane.

G: It's not Statelessness that's inhumane. It's the world political system that deprives and denies a person to live like a human being, to lead a normal life if s/he doesn't belong to a state... That's what's INHUMANE! And why should they be told they don't belong anywhere? They belong to the WORLD, they belong to HUMANITY. We all do.
#IDON'TWANT2BELONG2ASTATE
#IWANT2BELONG2THEWORLD
#IWANT2BELONG2HUMANITY . To whatever is left of it...

UNHCR: The main reason people are stateless is because of discrimination. Because of their ethnicity. Because of their religion. Because in some countries women cannot pass their nationality on to their children. We believe it's time to end this injustice. With enough courage we know it is possible.

G: With enough courage?? What courage are you talking about? Yes, governments should have the guts to annihilate people's dependence on themselves instead of making us their subjects. The discrimination of people according to the state which they “belong” to needs to end. That's the injustice that has to be put to an end and its time is way past.

UNHCR: Governments can change their laws and procedures, and give stateless people their rights and a place to belong. Within ten years, we can ensure everyone has a nationality. Because if we don't this injustice will only get worse.

G: Yes, surely governments can change their laws and procedures, and give people a right to choose where they want to belong. I'm not sure if we can ensure anything within a decade. It will probably take much more than that for nationality to become history the way it is defined and works today. But we certainly need to start doing something about this now, because if we don't, this huge injustice that almost everybody takes for granted will only get worse.

UNHCR: A child is born stateless every ten minutes. By the time you finish reading this letter another person may have started life without a nationality. We are ready to make our voices heard. We believe that if we take a stand, others will join us. And if enough of us stand up we will end this inhumanity. That is why UNHCR has launched the Campaign to End Statelessness in 10 years. Sixty years ago, the world agreed to protect stateless people. Now it's time to end statelessness itself.

G: Huh! I am ready to make my voice heard but it is of no use. Not even on the cyberspace does anybody hear me. People are too busy reading other things. Even “followers” or friends do not read. People do not have the time or the mind to read and try to understand

long and analysing articles. We are fed up by the hot topics of the day which seem to never end. We seem to never have a lack of “news” to follow up in the world.

I'm not sure if I take a stand, others will join us. In fact, I have taken a stand and not many joined. True, if enough of us stand up, we could end this inhumanity. Trouble is... There isn't enough of us. And it seems there will not be enough of us for a long time. I search until the horizon, there doesn't seem too much hope. Still... I refuse to give up hope and leave these notes on the cyberspace hoping my message will reach someone one day.

I do not care much what the world agreed to sixty years ago. That was a different time and age. Now it's time to end statehood itself.

#TIME2ENDSTATEHOOD

Part 4

DEFINING THE SITUATION: STATELESSNESS

Let's go on with the rest of the pieces on the UNHCR website in order to give some more insight into the problem:

UNHCR: In a world comprised of States, the problem of statelessness remains a glaring anomaly with devastating impacts on the lives of at least 10 million people around the world who live without any nationality.

Their one common curse, the lack of any nationality, deprives them of rights that the majority of the global population takes for granted. Often they are excluded from cradle to grave—being denied a legal identity when they are born, access to education, health care, marriage and job opportunities during their lifetime and even the dignity of an official burial and a death certificate when they die.

Statelessness is a man-made problem and occurs because of a bewildering array of causes. Entire swathes of a population may become stateless overnight due to political or legal directives or the redrawing of state boundaries. Families endure generations of statelessness despite having deep-rooted and longstanding ties to their communities and countries.

G: Statelessness is definitely a man-made problem and occurs because of one bewildering cause: That a person needs to belong to a state in order to have basic human rights!

UNHCR: Some have become stateless due to administrative obstacles; they simply fall through the cracks of a system that ignores or has forgotten them. More than two decades after the disintegration of the Soviet Union, over 600,000 people remain stateless.

Some 300,000 Urdu-speaking Biharis were denied citizenship by the government of Bangladesh when the country gained its independence in 1971. In Côte d'Ivoire, there are 700,000 stateless people who have no nationality or the rights that flow from it. More than 800,000 Rohingya in Myanmar have been refused nationality under the 1982 citizenship law and their freedom of movement, religion and education severely curtailed.

Over a third of the world's stateless are children and the stigma of statelessness could follow them for the rest of their lives, even past their deaths; if they have children of their own, this generation will also be stateless and the crisis perpetuated.

G: Yes, isn't it ridiculous and outrageous that such a stigma follows you even past your death? That you leave your children such a legacy? Even if you didn't have any money, at least, statelessness and stigma shouldn't be what you leave.

UNHCR: This centuries-old problem first began to stir the consciousness of the international community when words such as 'inhumane,' 'embarrassing' and 'a blemish in international law' were applied to the plight of stateless people. UNHCR was mandated to assist stateless refugees in 1950.

G: I was not mandated to assist stateless refugees but I guess I am in a way mandated by a higher power or by the force within me to speak up against this torture of states on any human being when the only thing we want is to go about our normal lives.

UNHCR: Today at least 10 million people world-wide are stateless. They are fighting for the same basic human rights that the most of us take for granted. Often they are excluded from cradle to grave— being denied a legal identity when they are born, access to education, health care, marriage and job opportunities during their lifetime and even the dignity of an official burial and a death certificate when they die. Many pass on the curse of statelessness on to their children, who then pass it on to the next generation.

The irony is that these people find themselves stateless through no fault of their own-and in most cases their condition could be resolved through minor changes in existing laws. UNHCR has an international mandate to prevent and reduce statelessness.

“Without nationality, many say they cannot enjoy their human rights in full including the right to move freely and to own property. They have often have poor access to basic services like affordable healthcare and higher education,” UNHCR spokesperson William Spindler told a news briefing in Geneva.

“They often aren’t allowed to go to school, see a doctor, get a job, open a bank account, buy a house or even get married.”

Stateless persons are often marginalized and discriminated against when they try to access the most basic services, (i.e. health care, education, employment, etc.). Many stateless persons are treated as irregular “aliens” in the country where they were born.

Denied a nationality and deprived of their basic human rights, stateless people in Côte d’Ivoire cannot go to high school, get a formal job, open a bank account, own land, travel freely or vote.

UNHCR spoke to children and young people from 7 different countries. Many of the children and young people had never spoken to anyone about what it was like to be stateless. They told us that that being stateless had taken a serious psychological toll, describing themselves as “invisible,” “alien,” living in a shadow,” like a street dog” and “worthless.”

G: I believe they feel all these. And or but, *Whose fault is it?* Shame on the people who have structured a world order where people feel these things if they do not fit into the system.

UNHCR: The prevention and resolution of childhood statelessness is one of the key goals of UNHCR’s Campaign to End Statelessness in 10 Years, or by 2024. To achieve this goal, UNHCR urges all States to take the following steps in line with the Global Action Plan to End Statelessness:

- * Allow children to gain the nationality of the country in which they are born if they would otherwise be stateless.

- * Reform laws that prevent mothers from passing their nationality to their children on an equal basis as fathers.

- * Eliminate laws and practices that deny children nationality because of their ethnicity, race or religion.

- * Ensure universal birth registration to prevent statelessness.

G: I agree with ensuring universal birth registration. The rest is all reasonable too of course, but I'd prefer to change the system around completely instead of trying to fix something that's been set up wrong.

UNHCR insists that this problem is largely avoidable, and with adequate political will, entirely solvable too.

G: Yes I too insist that this problem is avoidable; in fact, not largely, completely avoidable! With adequate political will, giving up the use or rather abuse of political power over people, it is entirely solvable.

UNHCR: Governments establish who their nationals are. This makes them responsible for legal and policy reforms that are necessary to effectively address statelessness. But UNHCR, other agencies, regional organizations, civil society and stateless people all have roles to play in supporting their efforts.

To make a difference, we must work together. Each of the four areas of our work on statelessness –identification, prevention, reduction and protection –overlap with the expertise of other international organizations and NGOs, and we rely on the local knowledge and expertise of civil society groups, national human rights institutions, academics and legal associations. Their contribution to our work allows us to prepare and recommend the most effective solutions.

G: Governments should be responsible but they are irresponsible. They are responsible for a lot of the problems in the world. Yes, governments establish who their nationals are and that is what is so wrong! People should be establishing whose nationals they wish to be!

Now let's go back to ENS too just a bit:

ENS: We believe that all human beings have a right to a nationality

G: I believe that all human beings have a right to live with dignity without a nationality.

ENS: and that those who lack nationality altogether are entitled to adequate protection.

G: Yes of course. Everybody is entitled to adequate protection regardless of nationality. “What's love got to do with it?” Tina Turner asks, I ask “What's nationality got to do with it?”

ENS: We believe that the full scope of this problem must be understood – who are the stateless, where are they, and why are they stateless – in order to implement effective policy to resolve the problem.

G: We don't need to understand the full scope of this problem. We only need to implement effective policy to remove the concept of nationality.

ENS: To be stateless is to not be recognized as a citizen by any state. It is a legal anomaly that often prevents people from accessing fundamental civil, political, economic, cultural and social rights.

G: This legal anomaly of nationality must be removed and everybody should have access to fundamental civil, political, economic, cultural and social rights. Full stop.

ENS: “Everyone has the right to a nationality”.

G: *Everyone has the right to dignity (even) without a nationality.*

Part 5

SELF-STUDY MODULE ON STATELESSNESS

There is a Self-Study Module on Statelessness on UNHCR's website. Of course I read that all too, and had to make comments on it.

UNHCR: Once held, nationality – membership – brings with it both rights and responsibilities: For the State and for the individual. Among the key rights of nationals are the right to return and to reside within the territory of the State and the right to participate in political processes of the State. There are of course circumstances in which these rights cannot be exercised but these are nevertheless considered to be two of the main functions of nationality. The corresponding duties of nationals reflect their allegiance to the State and may, for example, include the obligation to pay taxes or to perform military or equivalent service. States, in turn, are obliged to guarantee various rights to their nationals and may demand (certain expressions of) loyalty in return. Under international law, States are allowed to exercise jurisdiction (i.e. the power to exercise authority over a certain geographic area, persons or subject matter) over their nationals, even when they are abroad.

G: Yees! States are allowed to exercise jurisdiction over their nationals, the trouble is People are not really allowed to exercise jurisdiction over their states. If they wish to deny the state, they end up in jail, as the state has the stick.

UNHCR: It is true that the regulation of nationality is often a sensitive issue because the question of whom to accept as a full member of the political community, i.e. the state, – “who is one of us?” – touches upon the question of national identity. It may be a difficult subject to broach with States and governments may be unreceptive to outside influence.

However, it has been clear for many decades that the regulation of nationality is not immune to international law. State sovereignty is subject to certain limits in relation to nationality matters, through international treaties and customary law.

G: See... I start off with trouble. “Who is one of us?” is not the right question. What if I don't feel I belong to the “state” of my birth? Why am I considered one of them just because I was born within some imaginary lines? Ah, yes, I forget, those imaginary lines define a holy ground!

Why isn't the individual asking the question to himself “Who am I one of?” That would be the right question. It **has to** work the other way around. State sovereignty always beats personal sovereignty. And that is wrong.

UNHCR: Statelessness is a global anomaly in today's world, where enjoying membership of a State is the norm.

G: Yeah! Enjoying membership of a State! What about those suffering from the membership of a state? Only members of certain states enjoy privileges, others suffer for the membership they were “given” without their opinion and/or wish.

Jus Soli vs. Jus Sanguinis

UNHCR: State A confers nationality to all children born on its soil (jus soli). State B confers nationality to all children born to one of its nationals (jus sanguinis).

A child born in state A, to parents who are nationals of state B will acquire two different nationalities at birth: he or she will be a dual national of countries A and B.

A child born in state B, to parents who are nationals of state A will acquire no nationality at birth: he or she will be stateless.

When a child is born in a country that grants nationality by descent only, but the laws of the State of which the parents are nationals grant citizenship by birth only on their territory, the child is stateless.

In countries which only apply jus sanguinis, “many stateless people are condemned to pass on their statelessness to their own children – as if it were some sort of genetic disease”.

G: Yes, just a quirk of our “respect deserving” laws.

UNHCR: Statelessness may result if the woman automatically loses her original nationality upon marriage to a non-national but does not receive the nationality of her

husband, or if her husband has no nationality. Conversely, she may also lose an acquired nationality in the event of divorce or even upon the death of the husband.

Vietnamese Chi, 33 and her daughter at their house in Ho Chi Minh city, Vietnam. Chi married a foreign man and renounced her Vietnamese nationality to apply for her husband's nationality. Before she could acquire her husband's nationality, the couple filed for a divorce and as a result, Chi remained stateless. In 2008, Vietnam adopted a new Citizenship Law which made it easier for citizens who had renounced their nationality without being granted a foreign one to reacquire Vietnamese nationality. This reform paves the way for resolving statelessness affecting thousands of women like Chi.

G: See, Turkey does not allow this. You cannot get out of citizenship without acquiring another one. Or rather, the way I see it, they do not let you free without making sure you are in the chain of another owner. So smart!

UNHCR: In some cases, States revoke naturalization when they find that the requirements for acquisition of nationality were not fulfilled at the time of acquisition, in particular in cases of misrepresentation or fraud. While it is not per se in violation of international standards to render a person stateless through withdrawal of nationality in these cases, States must consider the proportionality of their act. If the fraud was only minor and the individual has lived for a long time as a national in the State and is well integrated, it may not be justifiable to deprive him or her of the State's nationality considering the detrimental effects of statelessness.

G: This is interesting... It basically tells the State to "forgive" someone for fraud if it is minor as statelessness brings with it such a big problem.

UNHCR: It is not uncommon that a person who is eligible for nationality according to the letter of the law is unable to finish the naturalization or confirmation process because of troublesome administrative practices like excessive fees, deadlines or documentary requirements that are impossible to meet, deliberate withholding of information about the procedures or the lack of an opportunity to appeal against (arbitrary) decisions.

G: Yes, the fees are abhorrent, the paperwork cumbersome and tiring, it is common that the employees tell you something is not possible because they do not want to work, appealing, ie. dealing with courts is another dreadful procedure to go through to simply get a basic right.

UNHCR: Children born to refugees, especially those in protracted situations, make a good case in point: the parents are unable to approach the consular authorities of their country of nationality in order to register or claim documents for the child, but the host

State may also be unwilling to provide for birth registration. Similarly, even where countries grant their nationality to children born on their territory who would otherwise be stateless or have a general *jus soli* rule, they often discriminate against refugee children and exclude them from the scope of such provisions, either in law or in practice.

The lack of birth registration may make it difficult for these individuals to prove – for instance when they are eventually able to return to their country of origin – that they are nationals of the State.

Another major problem is that in the process of migration or forced displacement of an individual, his or her identity documents may be lost, forfeited or destroyed. This issue has also been flagged in the context of smuggling and trafficking: there are widespread reports of documents being stolen or destroyed either on arrival in a third country or prior to transfer. However, this problem could affect any category of migrant or displaced person. Once undocumented, problems can arise in relation to the establishment of both identity and nationality. This, in turn, may make it impossible for the individual to prove his or her status when they try to re-enter their country – of their own accord or where the host country attempts to return them – or obtain assistance while in the host State.

The longer the person remains undocumented in the host State, the more difficult it becomes to prove his or her connection to the country of nationality – for example through witness testimony or secondary documentary evidence (such as school records). Similarly, over time it becomes gradually harder to prove that any children (or grandchildren) born to such undocumented individuals have a link with either the host country or the country of nationality of their parents.

G: So what if one doesn't have a link? We all have a link to this Earth.

HUMAN PING-PONG

UNHCR: There is general agreement within the international community that statelessness is an undesirable anomaly. This is based on the understanding that the condition can have a dire impact on the human rights and well-being of the stateless individuals themselves.

G: Yes, that's the problem. If statelessness did not have such a dire impact on one's human rights and well-being, I wonder how many people would have chosen or preferred to be stateless? Why don't they allow us to be stateless without causing such trouble to us?

UNHCR: Statelessness can have a very severe impact on the lives of the individuals

concerned. This is due in part to the role that nationality, as membership, plays in the formation of a person's identity and the connection that they feel to the place where they live and the people around them. To be rejected by every State is to be enveloped by a debilitating "sense of worthlessness".

Stefan Zweig, an author born in Austria and made stateless in 1938 described his experiences as follows:

"Since the day when I had to depend upon identity papers or passports that were indeed alien, I ceased to feel as if I quite belonged myself. A part of the natural identity with my original and essential ego was destroyed forever".

In consequence, statelessness is found to have a huge impact on mental health and can lead to depression, alcoholism, (domestic) violence and suicide. But the role that nationality plays in people's lives goes far beyond this contribution to their sense of worth:

"Because no country considers them citizens, stateless persons often do not have access to the rights that citizens take for granted. Statelessness frequently means living without identity documents conferring legal personality and the rights that go with them – access to health care, education, property rights, and the ability to move freely. Births and deaths may not be registered with the result that stateless persons legally can be invisible: their existence experienced, yet never legally recognized".

On the one hand, international law admits that nationality may still form a prerequisite for claiming the right to participate in the government of the State (to vote and to stand for election or work in public service). Thus almost by definition, stateless persons suffer from disempowerment and voicelessness.

Stateless people can experience great difficulty entering or staying in the country that is their home. And because, in the absence of nationality, there is often no State that is obliged to offer them lawful stay...

G: *What what WHAT??!!! Oh how wonderful! Wouldn't you agree? You do not have a legal right to reside in any part of the world! They are not obliged, that is no State is obliged to offer you a lawful stay. Basically, what they're saying is, You don't have a right to any space on this Earth!*

UNHCR: *...stateless persons are also prone to prolonged or indefinite detention as well as to becoming the object of a game of human ping-pong as they are shuttled back and forth between States.*

G: Yes, **Human ping-pong**. That defines it well. And it is sad sad sad... Nothing more to say.

UNHCR: Statelessness has a particularly severe impact on children. Not only does it negatively affect their opportunity to access education and to enjoy the benefits of child health programmes (including, for example, important childhood vaccinations), but it often places them in a situation of great physical and psychological hardship:

“Lack of citizenship subjects children to significant threats to their safety and well-being. Children without official papers are vulnerable to abduction, sale and trafficking, illegal adoption, and sexual exploitation. Many more are living in slave-like conditions after being trafficked for labour or sexual purposes in other countries. Unable to prove their true ages without legal documentation, stateless children cannot legally prove that they are too young to work or serve in the military”.

The enjoyment of an effective nationality is now seen as a crucial component of human security and statelessness as creating the conditions for human insecurity.

G: What about having the right to a dignified life without having a nationality??? What about that?

UNHCR: The 1951 Convention relating to the Status of Refugees and the 1954 Convention relating to the Status of Stateless Persons. These sister conventions call into being the legal status of a “refugee” and “stateless person” respectively and offer a largely comparable catalogue of rights – a minimum standard of treatment – to individuals that qualify under each respective definition.

Following the war, there was therefore not only a renewed interest in the problem of the protection of stateless persons (and refugees), but also in the underlying question of the regulation of nationality. The Universal Declaration of Human Rights set the scene by including “the right to a nationality” among its provisions. Article 15 states:

“Everyone shall have the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality”.

G: Ah... This “Nor denied the right to change his nationality” is interesting... Because we are, in fact, denied that right. Only if we satisfy certain conditions, conditions set by the state, do we get a right to change it.

UNHCR: It is, with very few exceptions, State action or inaction that creates statelessness, allows it to subsist and perpetuate and raises protection concerns. *Recall that the power to grant, withdraw or confirm nationality lies with States and States alone, meaning that their involvement in all statelessness issues is decisive for success.* In other words, statelessness is first and foremost a problem for States to resolve.

Moreover, States also bear the ultimate responsibility for the protection of the rights of the people within their jurisdiction – nationals, stateless persons and other non-citizens.

G: “The power to grant...” Oh how I hate this domination over me! How I detest that some entity has power to grant something to me or not... I mean if it was something I wanted, if I had agreed to be a part of this game, I could have understood it. But the way things are, I am the powerless.

By the way... Why don't states claim any stateless person to belong to them? Okay, they do not like some ethnicities etc. But what about the ordinary ones? You just register them, that's it. Easy. No? Ah, they get the ones that are born within their territory de facto; if they are to get more, they want to choose their members as if they're picking apples from the greengrocer. Seriously... *Why isn't it the other way around, why aren't we the ones, as the People, to pick the states we want to belong to?*

Erased...

UNHCR: Slovenia / "The erased" is the name for a group of people in Slovenia that remained without a legal status after the declaration of the country's independence in 1991.

G: That's a good name to give. “The Erased...” As if you can just erase people... But you know what? They do. States erase your name from the records and you cease to exist. That's the world we live in.

“The idea that stateless people are rightless people...” *Yes, rightless...*

Certificate of your being born!

UNHCR: While the act of birth registration is itself important, it is also crucial that the registered child receives a birth certificate, since it provides “permanent, official and visible evidence of a State’s legal recognition of his or her existence as a member of society”. It will establish both where the person is born and who the child’s parents are.

As a key element, registration must be free of charge or subject to minimal fees only. A UNICEF study of the causes of non-registration of births established that “the most common reason cited in the greatest number of countries was that birth registration costs too much”. Moreover it found that while the late fees, fines or judicial procedures for late registration imposed by some countries “may encourage most parents to register in a timely manner, they also pose a barrier to those who find it difficult to register on time, such as families who live in remote areas poorly served by registration services or

who cannot afford the cost of registration” and that “these penalties result in double discrimination against the family”.

G: Yes, as if it's not enough that they've set up this system of registry, they require you to register, they also require you to pay. They are the ones dictating and you have no say over these matters.

Puzzle: Ah yes... I am here. But you know what? I wasn't born!
Solve the puzzle.

To allow or not to allow... That is the question.

UNHCR: As a result of migration, people increasingly seek to acquire a new nationality, generally that of the State where they have taken up residence. Yet, many States do not allow their citizens to hold more than one nationality. The most straight-forward way of preventing statelessness in the context of a change of nationality is permitting the loss or renunciation of nationality only once an alternative nationality has been acquired. A number of States are keen to avoid dual nationality and therefore require an individual to renounce his or her original nationality prior to applying for the new nationality. This will always result in statelessness, at least temporarily. If the person fails to complete the procedure for the acquisition of the new nationality, they may be left stateless for a protracted period. However, dual nationality can also be avoided without creating a risk of statelessness. One way is to allow an individual to register his or her intent to renounce nationality or to accept proof that renunciation procedures have been initiated. Another way is to provisionally grant nationality, giving the individual sufficient time to renounce the previous nationality. On the other hand, States should not withdraw the nationality of citizens who apply for another nationality before they have at least obtained a guarantee that they will acquire the new nationality. Generally, States should not allow persons to renounce their nationality without acquiring a new one.

G: Would you look at the insolence! “Oh states should not allow”! They have all the rights!

People should NOT ALLOW states to control every little detail about their life!!!

Stories:

* A stateless ethnic Korean man moved from Uzbekistan to Ukraine in 1993. He has been living with a Ukrainian woman for a decade, but has not been able to register their union without valid documents. He has applied for citizenship, as without Uzbek citizenship

and unrecognized as a stateless person in Ukraine, he is at risk of deportation. “I’ve lost all hope to get my passport. My only problem is that I cannot move because I cannot go beyond this town. Even in this region I can be arrested. That’s why I almost never leave my house.

* Undocumented and stateless, welder Jabulani Sibanda sits with pride in the car he has worked hard to buy, adamant that his status will not deter him from living as productively as possible. Jabulani arrived in South Africa at the age of seven, when he and his mother crossed the border illegally from Zimbabwe, where he was born. Of Malawian descent, he has had no luck obtaining a birth certificate from Zimbabwe or proof that he is a Zimbabwean citizen since he came to South Africa.

UNHCR: the 1954 Convention relating to the Status of Stateless Persons provides for the issuance of identity and travel documents to recognized stateless persons. According to its article 27, identity documents must be issued by State parties to “any stateless person in their territory who does not possess a valid travel document”. Such papers should establish both basic facts relating to the person concerned and vouch for his or her legal status as a “stateless person”.

Article 28 provides that contracting States shall also issue travel documents to any stateless person who is lawfully staying on their territory. For such individuals, travel documents can only be refused on the basis of “compelling reasons of national security or public order”. As the word “compelling” indicates, only reasons of a very serious character related to national security or public order may justify a refusal of a travel document.

The 1954 Convention relating to the Status of Stateless Persons does not provide stateless persons with a right to enter or reside in any particular State. ((So, although in the example of Spain, cited above in section 8.1, the recognition of stateless person status is accompanied by the right to permanent residence, this is certainly not the case in all countries.

G: Let me repeat this: “The 1954 Convention relating to the Status of Stateless Persons does not provide stateless persons with a right to enter or reside in any particular State.”

So it is quite possible that a person can have no right to any place on this Earth!

Then they say “Nevertheless, in the absence of any feasible alternative, States may find that admitting the stateless person is the only feasible option.” What a horrifying sentence! “States may find that admitting the stateless person is the only feasible option.” So they will admit you only because and if it is the only feasible option. This, being at the mercy of a state's acceptance just makes me want to throw up.

UNHCR: While the 1954 Convention does not explicitly prescribe a right of residence to be accorded upon a person's recognition as stateless, granting such a right is reflected in current State practice to enable stateless individuals to live with dignity and in security. Participants agreed that this approach is the best means of ensuring protection of stateless persons and upholding the 1954 Convention. Without such status, many stateless persons may be deprived of the protection of the Convention. Nonetheless, it was also discussed whether in a limited set of circumstances it may not be necessary to provide for residence upon recognition.

Closely linked to the international standards on freedom of movement, expulsion and (re)admission of non-nationals are the norms that address detention. Detention is one of the most serious protection problems faced by stateless persons and is exacerbated by the problem of securing lawful (re)admission to a State. While many cases go identified, the problem is widespread. It often occurs that the authorities of a country detain a stateless person with a view to preventing entry into or realizing expulsion from the State's territory, yet there may be no other country willing to accept the stateless person. As a result, detention may become prolonged or even indefinite.

G: Yes, what is this absurdity? Because nobody -that is no state- wants him, a person is held behind bars. Is this anything acceptable, is this anything a normal human mind can comprehend???

It is still and always the same thing... If states are not willing to accept People... It really should be the other way around. People should choose their states. And if enough People do not sign up for a state, that state goes. Ceases to exist. So easy. Simple as that.

PS: State is written with a capital letter all throughout the study of UNHCR. What about People? Why don't we write *that* in capitals?

Part 6

ABSURD STORIES

* **UNHCR:** Leal was born in Lebanon but is stateless. Her grandfather was Lebanese but did not register the birth of Leal's father. As Leal's father was not registered, he in turn could not register the birth of Leal and her six siblings.

Today, she is married to a Lebanese man but since she doesn't have any nationality documents, the marriage could not be registered. Without a marriage certificate she could not register the birth of her children. They too are stateless.

“To be stateless is like you don’t exist, you simply don’t exist. You live in a parallel world with no proof of your identity” – Leal

G: This is a Kafkaesque tragedy, or perhaps a comedy, right? I really cannot think of a more sophisticated comedy scenario. If only it wasn't for real!

But wait!... The world is full of this type of absurd comedies.

Lebanon is only one of 27 countries where mothers cannot confer their nationality on their children in the same way as fathers:

Syria, Lebanon, Iran, Iraq, Jordan, Bahrain, Kuwait, Qatar, Saudi Arabia, UAE, Oman- So mostly Middle East countries. 11 of them.

Then there is Sudan, Libya, Burundi, Somalia, Madagascar, Swaziland, Togo, Liberia, Sierra Leone, Mauritania 10 African countries. Nepal, Malaysia, Brunei 3 in Asia. Bahamas and Barbados in the Caribbean, and Kiribati in Oceania.

Then some people list Kenya, Monaco, Yemen and Senegal too. And say Suriname just recently changed its nationality laws to allow women to pass citizenship to spouses and children.

Some countries are “better” than the others as they have laws safeguarding against the creation of statelessness (for example making exceptions for mothers to confer nationality if the father is unknown or stateless). But this, still, is NOT acceptable.

This is not even about equality of the sexes, equality of women.

Women give birth, women carry the baby...

Isn't it ridiculous that there are laws preventing a mother from giving her child a nationality? How is it possible in this day and age? Are we living in the stone ages? It looks so...

Story from Nepal

This was a comment by Nescient S on the article “27 countries limit a woman’s ability to pass citizenship to her child or spouse.”

Here is the Nepali woman's dilemma and cry.

* “Being a woman in Nepali is rather sad. I am a Nepali Citizen married to a foreign national. We have a child who was born in Nepal. Neither of us are stateless but our child (a minor) is. Why? Cause I am a woman.

Minor Identity Card (passport/citizenship for children under 16) has been rejected for our child cause the father is not Nepali and mothers cannot pass it to their children

(unless father is unknown or the child reaches the age of 16 and meets few criterias), which means we cannot travel. If something were to happen to me, my husband will have to go back to his country and will not be able to take our child with him (My husband can stay in the country on a yearly visa only until I am alive and cannot get a Nepali citizenship).

BUT if I was a man married to a foreign national, my child would be first class Nepali citizen (no need to meet any conditions). He would be able to get minority card (citizen/passport for under 16). My wife could get permanent residency and she would be able to get a Nepali citizenship. How is this fair?

Why shouldn't my child have the same right as any another half Nepali child, whose father is Nepali? Am I a second class citizen? Is Nepali government saying a man can marry whoever he wants but a Nepali woman has to marry a Nepali guy if the Nepali woman wants the child to be Nepali? Should I be thanking the Nepali government for "changing the law" where my child has to wait for 16 yrs to get a second class Nepali citizenship IF he meets few conditions and has provided nothing for minors? SIXTEEN YEARS not to hold a passport and not able to travel anywhere and be stateless.

I want to ask why is my child's human rights being violated? I want to ask why is my right to have a family and choose my partner being violated? I cannot have another child cause my second child will be stateless again. So am I to leave my 2 year old child with others and move on with my life by leaving the country?"

I wanted to give answers to this woman's questions; I even started saying "Of course this is not fair! Let alone being unfair, it is ridiculously stupid! The mother of a child is always known. (I'm not talking about surrogacy) and a woman cannot give citizenship to her own child!!" ... Then, I was left without words. Not because it was a very grave situation where words end but because of the extremeness of "stupidity" of it all. Stupidity and ridiculuosity of the laws we are supposed to respect.

Perakati Pole- The Tumbleweed

* **UNHCR:** As Railya in France eloquently articulates, there is nothing quite as hopeful, or in some cases as elusive, as feeling at home. "In Russian, there is a plant with no roots, perakati pole (tumbleweed). It tumbles. It rolls away with the breeze. That is statelessness. And me, I want to put down my roots."

G: Yes, feeling at home is so important. But **Home is not a country. Home is not a "State" to belong to. Those who think it is are wrong; those who want to make us believe it is, are fooling us.** I like the allegory of the tumbleweed. "Perakati pole" might be statelessness to a stateless person in the world we live today, but it doesn't have to be

so. “Perakati pole” is, more correctly, homelessness. When you don't have anybody to belong to. Like me. Or like I was and like I would be without my husband and daughters.

* **UNHCR:** Maria Gandrabura, 74, was desperate. Suddenly she could not withdraw her meagre pension of 1000 Moldovan Lei (50 USD). The authorities refused to replace her old Soviet ID card. Without citizenship rights, she felt left behind in her humble farm house at the end of a dirt road where she grows grapes, cherries and vegetables. “I had nowhere else to go,” the widow said in tears. Today, she has a Moldovan ID card and her pension back – thanks to a UNHCR-supported campaign that helped prevent and address the statelessness of 212,000 people.

G: Thank you UNHCR for supporting the campaign and ending such people's misery. What about supporting a campaign to have a global welfare set in place so that people did not need to have a statehood to live a proper life?

* **UNHCR:** *Until late 2012, 21 years after the break-up of the Soviet Union, over 220,000 people in the Republic of Moldova were holding expired Soviet ID cards. Iulian Popov, Head of the Statelessness and Information Unit at the Ministry of Interior, can understand why Soviet IDs had such a long life: “If you have a Moldovan ID card, you identify with Moldova, but with a Soviet ID you can identify with a huge power.”*

G: True. I can understand it too. What if we identify with the world? Isn't that a greater power still?

Part 7

BEING STATEFULL AND FINDING YOUR PLACE IN THE WORLD

* **UNHCR:** Ali was never registered at birth. He no longer has any contact with his family and does not have any documents that prove his identity or nationality.

No country recognises him as a national. He is stateless. His story is common among many stateless people whose desperate situations makes them extremely vulnerable to exploitation.

Ali is still struggling to find his place in the world.

G: Yeah yeah, register. You need to be registered. Nowadays you cannot walk out of the hospital without registering your child. Of course when you give birth at home, one can avoid registration. And so what if someone is not registered? Is it really so important? What for and who for? For the state to keep track of you. So if your family did not register you, the state punishes you. You do not play by their game, you have not obeyed their

rules, so they torture you by treating you as if you do not exist.

Oh how I wish I had no contact with my family. I am getting there. I have cut my ties. But this is a strange dilemma. People who don't have a father or mother miss them, I wish I didn't have either.

I am statefull, I have two states that I belong to. But don't worry Ali, I too am still struggling to find my place in the world.

Part 8

DOCUMENTS: TO HAVE OR NOT TO HAVE?

* **UNHCR:** The strongest message to emerge from the consultations with children and youth was that they exist and want to be recognized. “I am a human being;” “It’s a fact, before your eyes, that I exist;” “I am a part of this society;” “We are all of this earth,” were among the common sentiments expressed.

G: How can anyone argue anything about these sentiments?? It's all true. Undeniably true. So it's undeniably and unarguably true that the political order that makes these children and youth feel these things is CRAP and needs to be DISCARDED!

* **UNHCR:** The nightmare continues today — the woman who weeps that “it is better not to exist than to be without identity papers”; the youngster in the Dominican Republic who was denied an escape from poverty and an attractive career as a baseball player; and the woman in Madagascar who refuses to start a family until she gets citizenship.

G: What a shame that they make you weep saying “It is better not to exist than to be without identity papers”! It's such a shame! I agree it's a nightmare to have to live in such a world. Let's wake up and end this nightmare!

“I never had an official document”, says Nazario who was born in Costa Rica. “Now that I have one, things are a bit different. We feel we belong to this country, we are part of it – with equal rights.” ©UNHCR / Lucas Iturriz

G: He is not aware how free he was and how his freedom is now taken away from him with that official document. Unfortunately, it is true that they don't let us survive without that binding chain, that piece of paper. The irony is... They now feel they belong to one country, they aren't aware that they belonged to the world without that paper. They are

happy that they are constricted. That's the way our brainwashing political system shapes our worldview.

34 year old Lucrecia Martínez Abrego could not produce any documentation when she went to the hospital for treatment. Through the UNHCR supported project, she received her late-birth registration documents from the Panamanian Registry Office. "Now we have papers", she says, "and if the authorities ask for them, we proudly present them."
©UNHCR / Lucas Iturriza

G: Yes, so proudly! Not ashamed that you need to present papers to someone, to some "authority" in order to be treated humanly. I am yearning to see the day humanity will evolve to the point of holding a human life more precious than a piece of paper.

I don't know if I'll ever get to see that day...

Part 9

WHERE AM I FROM?

As I write these things, I get the feeling that I am centuries ahead of humanity and that as weird as I might seem today to most people, the following generations will be writing about me saying that I was one of the few philosophizing on this issue of nationality. Of course, if humanity survives to have the next generations.

When I read what I just wrote, it sounds so stuck-up. Maybe I'm not stuck-up. Perhaps it sounds so only because...

I am from Saturn! We don't have states and thus no statehood on our planet. We are all cyborgs. We do not differentiate which side of the planet our cyborg friends were born. East or West, North or South, we do not care. Our hemispheres are inside our minds. The brain has two hemispheres.

Saturn, Uranus, Neptune, Pluto... I'm not from this solar system. Not even from the farthest planet. I'm not even from this galaxy. I don't know where I've come here from, I don't know what mistake, what technical failure of a mother-ship dropped me here on this Earth, but I am here and I exist too.

#IWantToBelong



