

Root causes and consequences of statelessness affecting minorities: preventing statelessness through a human rights approach.

Madam chair, Special Rapporteur, Ladies and gentlemen,

Statelessness is a global phenomenon affecting minorities around the world. That the defining characteristics of minorities - race, ethnicity, culture, religion, language – are also universally protected characteristics under anti-discrimination law, provides a clue as to the root causes of their statelessness.

Discrimination – on the basis of race, ethnicity, religion and language – is central to the story of statelessness and the stories of minorities.

The intersection of such discrimination with discrimination on grounds of gender, disability, socio-economic disadvantage etc., further compounds the problem.

If you are minority, your citizenship and belonging is more likely to be scrutinised, doubted and stripped off you. If you are also poor, a woman or disabled, you are likely to face additional barriers to asserting your nationality and accessing justice if deprived it.

We are here today because we collectively recognise that the problem of statelessness and its impact on minorities cannot be ignored. It stands contrary to our affirmation of human rights and our vision for more equal and inclusive societies.

In my intervention, I would like to offer 4 reflections in this regard.

1. That the root cause is discrimination, is evident. What is more interesting, is what lies beneath.

Why are people, and minorities, discriminated against?

I would like to request each delegate – to during this Forum - speak to any member of the many minority communities represented in this room.

They will tell you.

The same recurring challenges of patriarchy, racism, fundamentalism, nationalism and xenophobia (to name but some), which are at the heart of structures of power, are also at the heart of discrimination.

It is the idea that some belong but others do not, some have value but others do not, some are equal but others are not.

Engaging minds, challenging stereotypes and dismantling structural discrimination is a long-term project. Statelessness will not end with accession to a convention or the passing of a law – important though these may be. Change will neither be fast, nor easy. We must remain committed. Crucially, we must scrutinise our own roles – as individuals, institutions, communities – in concentrating power and perpetuating exclusion.

2. Root causes are historical, but they are also ongoing

The statelessness of most minority communities is linked to particular moments in history. The dissolution of the states, Independence from colonial powers, the requirement to register as citizens of newly formed countries, the passing of discriminatory nationality laws, wars and displacement have all generated statelessness among minorities world over.

Over years, decades, generations, where these root causes have not been addressed, the statelessness of these communities has been entrenched and perpetuated.

And so I ask; what is the root cause of the statelessness of a child born today? Is it an incident in 1962 or is it a failure to protect the child's right to a nationality in 2018?

UNHCR estimates that every 10 minutes a child is born stateless. Every 10 minutes, another root cause is added to our very long list.

3. We have the tools at our disposal. Perhaps we lack the imagination and commitment to use them

Human rights law is comprehensive, principled, reasonable and nuanced enough to protect the rights of minorities and the right to a nationality. The UN Sustainable Development Agenda is sufficiently ambitious and rooted in human rights principle, to reach the furthest behind and ensure legal identity and nationality for all.

Our generation of world shapers has at our disposal, a collective wisdom, norms, mechanisms and tools that has been built over generations.

We need to be bolder in how we use them. We need to be more committed, creative, courageous and collaborative.

Perhaps another way to perceive root causes of statelessness, is to question if there has been a collective failure at all levels – UN, state, civil society – to do what we are obliged to, by law, by institutional mandate and by our basic humanity.

4. We must challenge the perceived tension between state sovereignty and the right to a nationality

At the heart of many debates, is the perceived tension between the states right to decide who belongs, and the human right of every person to a nationality.

Minorities often are at the fault-line of this debate. they do not belong here, because they are from there.

I offer two thoughts:

1. States exercise their sovereignty when they accede to international treaties, participate as member states of the UN and incorporate international norms into domestic law. This is not a clash, but a reinforcement. And so, perhaps this tension is an illusion – a lazy argument that has run its course.
2. Even where there may be a tension, it is only in a few fundamental ways that international law limits how a state may shape its nationality law. For example, rules of belonging should not be discriminatory. This basic principle, we all should be able to agree, benefits us all.

Ultimately, we can imagine a more inclusive future.

The problem of statelessness is solveable, and the benefits – to individuals, minorities and states - of solving it are immense. I commend the Special Rapporteur for drawing our attention to this important issue. It is up to us to collectively ensure that every person's right to a nationality is respected, protected and fulfilled.

Thank you.