

REFUGEES

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SPECIAL REPORT

*The strange,
hidden world
of the stateless*

THE EXCLUDED



UNHCR
The UN Refugee Agency

NEW TWIST TO A SAD TALE

THERE ARE STRONG FEARS THAT SOME SMALL island states will soon start disappearing altogether as a result of climate change. Among those considered particularly vulnerable are Kiribati, Vanuatu, the Marshall Islands, Tuvalu, the Maldives and the Bahamas.

High tides are already destroying homes, gardens and fresh water supplies on Papua New Guinea's Carteret Islands, which may vanish completely beneath the waves as early as 2015. An evacuation of the Carterets' 2,000 inhabitants to another part of Papua New Guinea has begun.

If low-lying island states such as Kiribati (population 93,000) and Tuvalu (population 10,000) follow suit, their problems will be much more complex than simply packing up and moving somewhere else. All the institutions of a modern nation state – parliaments, police, law courts, state education and healthcare – will have disappeared along with the coral atolls, sandy beaches and palm trees.

The islanders will either have to find a way to reconstitute their vanished state elsewhere, or they will have to find another state to adopt them as citizens, give them a passport and provide them with all the other forms of protection and assistance that a state exists to give its people. Alternatively they will become stateless – about as stateless as you can possibly be.

A 2005 working paper submitted to the UN Commission on Human Rights framed the dilemma succinctly: "Whilst States [...] are used to addressing issues of State succession, it would appear that the extinction of a State, without there being a successor, is unprecedented..." The paper then outlined a long list of awkward questions that would arise in such a scenario, most of them concerning the rights of the affected population, and who would be responsible for ensuring those rights were observed.

It will be scant consolation – but, in the event of a state sinking, its inhabitants will not be alone. UNHCR (which has a mandate for stateless people as well as for refugees) currently has an official figure of 5.8 million stateless people spread across 49 countries. However, the agency believes the

true total may be closer to 15 million.

Some people end up stateless because of legislative or bureaucratic accidents – not necessarily because someone has deliberately deprived them of their national identity. Even if no state has sunk yet, millions have become stateless because the state in which they or their ancestors were born has changed shape in some abstract way: been created or divided or dissolved, decolonized, conquered or freed.

Whenever a state is modified in some such fundamental way, the issue of who is – and who is not – a citizen comes to the fore. Those who fall through the cracks during this process often have nowhere else to go. Powerless to alter their situation, they are often pushed by the bureaucratic tide to the margins of society, where they stay vulnerable, impoverished and all too easy to ignore.

Others become stateless as an unforeseen consequence of a change in domestic legislation, or because of an incompatibility between the laws of two different states. And a sizeable minority are the victims of a more pernicious form of statelessness: the deliberate exclusion of entire groups because of some political, religious or ethnic discrimination.

But there are some currents of fresh air blowing through the strange, sad world of the stateless. There have been recent political and legislative

breakthroughs for large groups of stateless people in Sri Lanka, Thailand, Nepal, and some Gulf States. Gradually more governments are realizing that burying their heads in the sand when it comes to groups of stateless people on their territory is no solution.

If this trend continues, it may just be that by the time the first island state is submerged, its erstwhile inhabitants will find a world more inclined to take the necessary steps to prevent them from being forced into the shadowy global ghetto of the stateless. Arresting climate change will be a Herculean task. But preventing this particular side effect should not be beyond the collective capability of the international community.



Tuvalu: one of the island nations most threatened by climate change.

AP / A. SHIMBUN / S. YAMAMOTO / EUPHOTO



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Front cover: Stateless Muslims from Northern Rakhine State in Myanmar (also known as Rohingyas) living in Bangladesh. UNHCR / G.M.B. AKASH / BGD•2006

Back cover: The hands of a 75-year-old stateless woman labourer in a Sri Lankan tea plantation. UNHCR / G. AMARASINGHE / LKA•2007

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IN THE SHADOW

*Millions seek to escape
the grim world
of the stateless*

Some stateless people –
like these ones in a camp
in Bangladesh – are also
refugees. But most are not.



“To be stripped of citizenship is to be stripped of worldliness; it is like returning to a wilderness as cavemen or savages ... they could live and die without leaving any trace.”

— HANNAH ARENDT
“*The Origins of
Totalitarianism*”

BY PHILIPPE LECLERC
AND RUPERT COLVILLE

UNLIKE THE PHILOSOPHER Hannah Arendt (who was stateless for 16 years but still had an immensely successful career), most stateless people are – almost by definition – anonymous. People who live in the shadows at the edge of society. People with no chance of a career at all.

Stateless people can be found in all the corners of the planet – in developed as well as developing countries. And there are many ways to become stateless. Some are stateless because of actions taken long ago, and other stateless people are being born – or created by mistake – every day.

STRIPPED OF THEIR RIGHTS

SOME PEOPLE – LIKE HANNAH ARENDT, who lost her German citizenship after fleeing the Nazis in 1933, or the Feili Kurds who were expelled from Saddam Hussein’s Iraq – become stateless as a result of official decrees deliberately aimed at excluding them from any meaningful role in society, or at driving them out of the country, or (in the case of Europe’s Jews in the Nazi era) as a prelude to an attempt to exterminate them altogether.

Perversely, on occasion it can even be the development of democracy that stimulates the omission of a particular group from the list of nationals – because of the fear of those in charge that the group in question, or some prominent individuals

PERVERSELY, EVEN THE DEVELOPMENT OF DEMOCRACY

JULY 21st 1969
2105 24
876

OTHER, SOMEONE, HELP!

LAST NIGHT I WAS HERE DEPORTED FROM MY HOME
2. TO BRAZIL AND 2. TO MEXICO. SATURDAY JUNE 30th
A HUGE FIGHT BROKE OUT BETWEEN THE GUYS. THEY WERE
PUNCHING EACH OTHER UNTILL ONE OF THEM FELL ON THE
GROUND BLEEDING. IMMEDIATELY ONE OF THEM WAS TRANSPORTED
TO THE FEDERAL HOSPITAL, AND THE OTHER —
INTO MY ROOM. O-O HELP ME!!

THE SCARER THE LEAD OUT OF ME, AND WON'T STOP TALKING TO
HERSELF...

AFTER 17 YEARS OF PERMANENT INSTABILITY, HERE
THE LAST 10 YEARS I HAVE LOST ALL MY RIGHTS: I WON'T
STAY, WORK, AND DRIVE; I CAN'T BE WITH MY HUSBAND WHO
IS... AND NOW I AM BEING FORCED BY MORE AND
INTELLIGENCE AS I AM BEING OBTAINED AS A CRIMINAL,
HUMILIATED, AND REFUSED WITH FEAR FOR MY INTEREST
AND WELL BEING.

JANUARY, GET ME OUT OF HERE! — TO A SAFE HUMANITARIAN
COUNTRY WHERE I CAN RESUME MY RIGHTS AS A HUMAN BEING
AND AS AN INDIVIDUAL. AND LIVE A TRUCE WITH MY HUSBAND.

TO SIMPLY HAVE A LIFE AND A NATIONALITY AFTER 12
STATELESS YEARS... IS THAT TOO MUCH TO ASK?
TO HAVE TO MORE FOR...? LOVEBERRY, PLEASE HELP!
Inga



By 1969, Hannah Arendt had become a US citizen.

among them, will side with the political opposition.

Groups who, for one reason or another, were left out of the body of recognized citizens when their state was first constituted, or reformed, include the Muslims of Northern Rakhine State in Myanmar (also known as Rohingyas); some hill tribes in Thailand; the Bidoon in the Gulf States; the Lhotshampas from Bhutan, the Madhesis in Nepal and various nomadic groups around the world.

And then, of course, there are the Palestinians, many of whom became stateless refugees during the tumultuous upheaval surrounding the creation of the state of Israel in 1948.

KAFKAESQUE

OTHER PEOPLE DO NOT HAVE (OR LOSE) THEIR nationality, because of the unintentional side-

effects of badly designed laws, poor birth registration systems, other administrative oversights, or simply because of a clash of different legislations in different states.

The results for the people concerned are often shattering. Through no fault of their own, some people – including the 24 year-old woman whose desperate plea from her detention cell is shown on the left – may end up losing their liberty because their parents infringed immigration rules when they were a small child. They may then stay locked up for an indefinite period because there is no state that accepts them as citizens.

Sometimes children are born stateless, and stay stateless all their lives. As such, they may be unable to go to school or university, work legally, own property, get married, or travel. They may find it difficult to enter hospital, impossible to open a bank account, and have no chance of receiving a pension.

If someone robs them or rapes them, they may find they cannot lodge a complaint, because legally they do not exist, and the police require proof that they do before they can open an investigation. They are extremely vulnerable to exploitation as cheap or bonded labour, especially in societies where they cannot work legally.

Then, as if all that were not enough, many stateless people are condemned to pass on their statelessness to their own children – as if it were some sort of genetic disease.

At one end of the spectrum, some groups of stateless people are able to exercise most of their basic rights – for example half a million people belonging to Russian-speaking minorities in Latvia and Estonia, who are nevertheless still deprived of their democratic right to vote.

But for many stateless people around the world, it is a corrosive, soul-destroying condition that colours almost every aspect of their lives.

A stateless woman called Chen, who once found herself stuck in no-man's land between two of her possible countries of nationality, describes what it feels like.

“Being said ‘No’ to by the country where I live; being said ‘No’ to by the country where I was born; being said ‘No’ to by the country where my parents are from. I feel I am nobody and don’t even know why I’m living. Being stateless, you are always surrounded by a sense of worthlessness.”

CAN STIMULATE THE OMISSION OF CERTAIN GROUPS FROM THE LIST OF CITIZENS.



GETTY / T. STODDART / KEN-2000

(Opposite) **Letter from a stateless woman** detained in the country where she has spent the last nine years, because her parents allegedly infringed immigration rules when she was a child.

(Left) **Many of the 100,000 Nubians, brought from Sudan to Kenya** by the British during the colonial era live in the Nairobi slum of Kibera. They have never been fully recognized as Kenyan citizens.

REJECTED BY HISTORY

THERE ARE HUNDREDS OF THOUSANDS OF people who remain stateless today because of some upheaval in a country that has changed political shape, or because they fell into a black hole created by an expiring empire.

Groups who became stateless after the dissolution of the Ottoman Empire, for example, include some of the Kurdish populations who moved to Syria from other parts of the empire.

When Syria carried out a census in 1962, some 300,000 Kurds were left without any nationality. In certain instances, some members of a family received citizenship while others did not (with the latter remaining stateless ever since).

Such groups may gain some hope from developments in Sri Lanka where, thanks to a new law passed in 2003 (almost two centuries after they were first brought over from British India), hundreds of thousands of Hill Tamils can now obtain citizenship through a simple declaration.

And an even more impressive breakthrough has recently taken place in Nepal where, as a welcome by-product of the peace process, a remarkable 2.6 million previously stateless individuals were issued with citizenship certificates in just four months in early 2007.

STATELESSNESS DEFINED

Who are the stateless?

The term 'stateless person' means someone who is **not considered as a national**, according to domestic legislation, by ANY state (also known as *de jure* stateless). A second, loosely defined category is considered *de facto* stateless because they do not enjoy the rights generally enjoyed by nationals (for example **their country will not grant them a passport** or allow them to return) or because they are unable to prove their nationality.

What is nationality or citizenship?

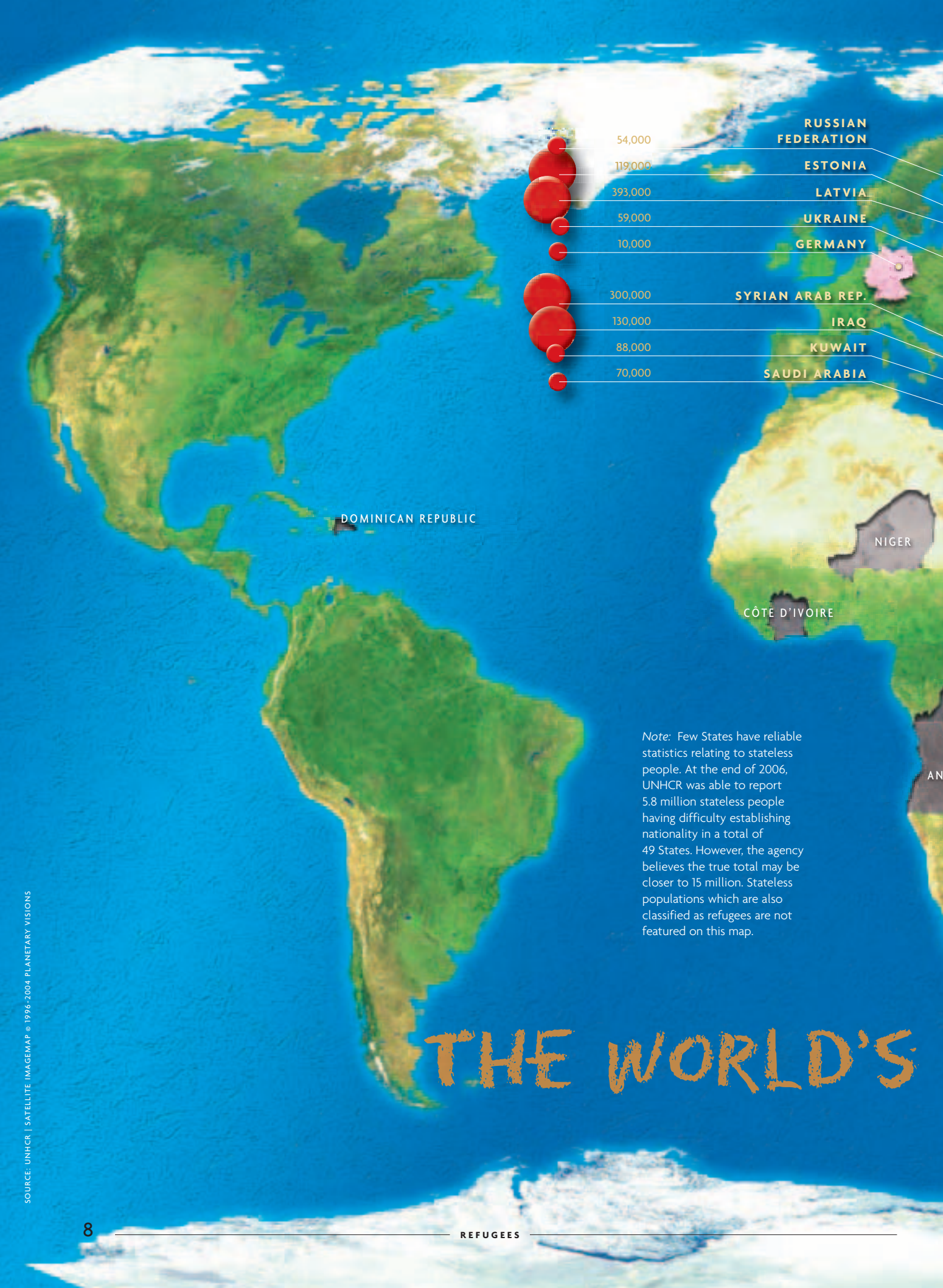
The terms are not necessarily synonymous. However both are used by different countries to describe the '**legal bond**' that binds together a state and the individual. It covers political, social and economic **rights**, as well as the **responsibilities**, of both government and citizen.

How is nationality granted?

Usually through the **recorded birth** on a country's territory, descent from another citizen or naturalization following marriage to one. Naturalization can also be **granted after residence** for a set length of time, or for other specific reasons. The rules vary from state to state – and the **variations** themselves are often the cause of statelessness.

Are refugees stateless?

They can be *de jure* stateless, but most are not. Groups, or individuals, are sometimes stripped of their nationality as part of the **process of persecution**, and then flee as refugees. Or, conversely, they are punished for fleeing by having their nationality removed. But many stateless people do not face persecution, and **many refugees retain their nationality** throughout their ordeal abroad.



54,000	RUSSIAN FEDERATION
119,000	ESTONIA
393,000	LATVIA
59,000	UKRAINE
10,000	GERMANY
300,000	SYRIAN ARAB REP.
130,000	IRAQ
88,000	KUWAIT
70,000	SAUDI ARABIA

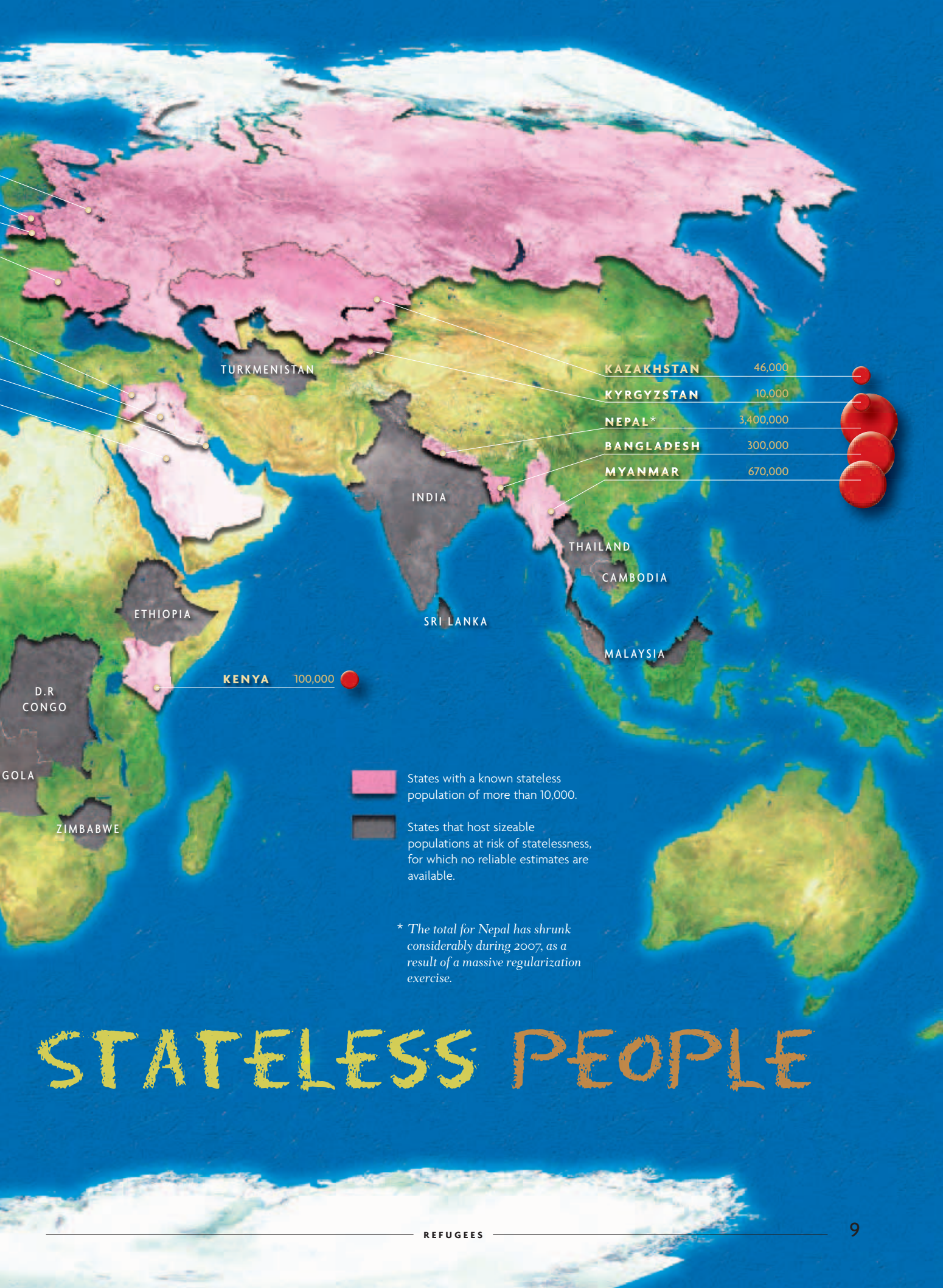
DOMINICAN REPUBLIC

NIGER

CÔTE D'IVOIRE

Note: Few States have reliable statistics relating to stateless people. At the end of 2006, UNHCR was able to report 5.8 million stateless people having difficulty establishing nationality in a total of 49 States. However, the agency believes the true total may be closer to 15 million. Stateless populations which are also classified as refugees are not featured on this map.

THE WORLD'S



TURKMENISTAN

KAZAKHSTAN 46,000

KYRGYZSTAN 10,000

NEPAL* 3,400,000

BANGLADESH 300,000

MYANMAR 670,000

INDIA

THAILAND

CAMBODIA

SRI LANKA

MALAYSIA

ETHIOPIA

KENYA 100,000

D.R CONGO

GOLA

ZIMBABWE

States with a known stateless population of more than 10,000.

States that host sizeable populations at risk of statelessness, for which no reliable estimates are available.

* The total for Nepal has shrunk considerably during 2007, as a result of a massive regularization exercise.

STATELESS PEOPLE

CHASING THE PROPISKA

BY VIVIAN TAN

Alexei Martinov has spent half his life bouncing around Central Asia in search of a country that would accept him. Today, 16 years after he first became stateless, he is hoping against hope for a chance to start a new life with his two children in an ancestral homeland he has never known.

Martinov is one of many people who fell through the legislative cracks after the Soviet Union disintegrated in 1991, and his odyssey through five countries typifies the complex chain of bureaucratic cause and effect that lies behind so many of the stateless situations in the post-Soviet era. Many of these, initially at least, revolved around the *propiska*, the all-important residence permit, which every Soviet citizen had to have and which was designed to control internal population movement in the USSR.

Alexei Martinov, now aged 35, is the son of ethnic Russian parents, who lived in eastern Uzbekistan, then part of the Union of Soviet Socialist Republics. In 1990, he went to study in Ukraine with the support of his kolkhoz, or commune. His *propiska* was transferred from Uzbekistan to Ukraine.

The following year, he returned to

Uzbekistan to get money to cover the second part of his education. All of a sudden, as a result of the collapse of the Soviet Union, the 19-year-old Martinov's world was turned upside down. In the newly independent Uzbekistan, previous agreements with the Soviet kolkhoz were declared no longer valid. Meanwhile back in Ukraine – now a foreign country – his institute refused to transfer his *propiska* back to Uzbekistan, apparently because he had some unpaid bills.

This was just the beginning, as a multinational bureaucratic nightmare began to unfold, affecting Martinov and millions of others like him all across the former Soviet Union.

"It was a time of ethnic clashes and anti-Russian feelings in Uzbekistan," Martinov recalled. "My parents' home was burned, and they decided to flee to Turkmenistan. Using my old Soviet passport, I went to Kazakhstan to join my wife's family."

The couple moved in with his father-in-law, but were unable to get a Kazakh *propiska* – an essential prerequisite for legal employment, as well as for basic services such as healthcare. A few years later, they moved to Turkmenistan, where his own family was now living.

His father had died while he was in Kazakhstan, and his widowed mother and his

sister had both married locals and received Turkmen citizenship (Turkmenistan has also naturalized around 10,000 stateless refugees who fled from Tajikistan in the early 1990s).

Martinov applied for citizenship too, but was rejected. So, once again, no *propiska*. Frustrated, his wife finally gave up and returned to her own family, leaving him and their two young children behind.

In December 2006, Martinov and the children were deported by train to Uzbekistan. "I did not want to go back because I had nothing left there and [ethnic] Russians were not treated well," he said. "The border guards in Uzbekistan said the deportation order did not meet international standards and that Turkmenistan should have verified my Uzbek citizenship before deporting me. There was a lot of shouting and no one wanted to listen to me."

Denied entry to Uzbekistan, the country where he had spent all his childhood, the stateless father and his two stateless children were forced to stay on the train until it reached the end of the line in Khujand in Tajikistan (the fourth of five Central Asian states where he has now lived, but not been accepted). "We were all very tired from the trip and just wanted to get off," he said. "The Tajik border guards did not know what to do



AFP / B. MEHR / RINAQ05

CHANGING STATES

STATES CONTINUE TO CHANGE SHAPE AND continue to make certain groups stateless in the process.

Perhaps the most spectacular example in recent years was the break up of a single state – the USSR – into 15 separate successor states. In December 1991, Soviet citizenship ceased to exist, leaving 287 million people in need of a new identity.

As a result of this unprecedented political earthquake, an estimated 54-65 million people suddenly found themselves living "abroad." Many were eventually able to sort out their situation, but some with links to two states found themselves citizens of neither, including many ethnic Russians, Ukrainians and Belarusians living in Central Asia and the Baltics (see story above).



Several hundred thousand Crimean Tatars were rendered stateless when returning to Ukraine after the dissolution of the USSR. They have now been naturalized by Ukraine.

with us. They called Security who took us to the OSCE [Organisation for Security and Cooperation in Europe].”

The family was eventually given a free room at a local centre for disabled people, where they were still living in June 2007. They receive three hot meals a day and 40 Tajik somoni (about US\$11) per month in financial assistance. The children, aged 10 and 15, attend the local school while Martinov works at a nearby carwash and workshop, earning about

five somoni for each car. “I’m very grateful to the management because no one lets me pay for anything. I keep everything I earn, and there are women and doctors to help with the children,” he said.

While his life has stabilized for the moment, Martinov still lacks the documents necessary to lead a normal life.

His future may lie in the Russian Federation, thanks to a program for ethnic Russians, called the “Voluntary Resettlement

of Compatriots in The Russian Federation.” Tajikistan’s Migration Service is currently trying to verify his nationality – or lack of it – with the authorities in Uzbekistan, Ukraine and Turkmenistan, while the local human rights centre is trying to help him get a statelessness certificate, which is a prerequisite for settlement in Russia.

It is perhaps the ultimate irony that even a statelessness certificate requires supporting documents.

The subsequent upheavals in Central and Eastern Europe, and splitting up of states such as Yugoslavia and Czechoslovakia, also led to the emergence of new stateless groups – particularly among the Roma and other minorities.

For example, several thousand people in the world’s most recent new state – Montenegro (which became independent of Serbia in 2006) – are believed to be at risk of statelessness because of complications linked to the Kosovo crisis.

Another post-Yugoslav legislative quirk snared several thousand people in Slovenia who were removed from the country’s registry of residents in 1992, and either were not aware of, or failed to take advantage of, a short period of grace when they could have applied for citizenship of the new state of Slovenia. They have become known as “the erased cases.”

THE INTERNATIONAL RESPONSE

BETWEEN THE TWO WORLD WARS, THERE WERE a number of efforts to codify responses to statelessness in specific situations (for example for the Armenians and other minorities from the Ottoman empire, and for the so-called White Russians who fled to Western Europe, China and North Africa after the 1917 Russian revolution).

These early international agreements usually referred to both refugees and the stateless. Rather than aiming to solve the problem of statelessness, such agreements were geared more to practical matters such as enabling stateless people to use the famous Nansen travel documents, also used by refugees.

As a result, a lot of people like Hannah Arendt remained stateless for many years, but were not necessarily totally trapped by their condition in the way they

(Opposite) Feili Kurds, who were stripped of their nationality and expelled from Iraq during the 1980s, waiting to vote for the first time in their lives during the 2005 Iraqi elections, despite remaining in exile in the Iranian city of Qom.

THE BIHARIS OF BANGLADESH

BY KITTY MCKINSEY

Geneva Camp is by any standards – even those of miserably poor Bangladesh – a squalid slum. Though most of the houses have solid brick walls, they are tiny and less than a metre apart. Outside their crowded dwellings, women cook their families’ dinner over open sewers, as toddlers play nearby on heaps of garbage.

However, the most humiliating blow is that simply by admitting they live in Geneva Camp, residents are shut off from the basic rights citizens expect – going to school and university, getting a driver’s license or finding a decent job.

That is because the camp, set up by the International Committee of the Red Cross (ICRC) as a temporary site in 1971 and named after the agency’s Swiss headquarters, is home to 18,000 of Bangladesh’s 300,000 de facto stateless Biharis – also known as ‘stranded Pakistanis’ or the ‘Urdu-speaking minority.’ Once they give ghetto-like Geneva Camp as their address, residents say, the authorities disavow them, despite the fact that a High Court ruling in 2003 appeared to clear the way for all Biharis in the country to be considered citizens.

Mohammad Hasan, the 28-year-old



PHOTO COURTESY OF © GREG CONSTANTINE / BGD-2006

Secretary-General of the Association of Young Generation of Urdu-Speaking Community, a group lobbying for full rights, recalls the plight of a Geneva Camp resident who, against the odds, managed to get a master’s degree.

“He applied to the forestry ministry, passed written and verbal exams and got an interview card from the government,” Hasan recalls. “But his background was investigated and the police verification determined he was living inside the camp, so he lost the job.” There’s only one way around the situation, Hasan adds: “Camp people can get a (Bangladeshi) passport or a driver’s license as long as they give a fake address.”

The Biharis’ plight stems from the separation of Pakistan. They, or their

ancestors, had come to what was then East Pakistan from 1947 onwards after the partition of India. Before, during and after the nine-month civil war in 1971 that saw East Pakistan become Bangladesh, Biharis were killed and had their property looted by angry mobs who regarded them as traitors who had sided with Pakistan – a situation inflamed by the active participation of some Biharis in various notoriously murderous militias. By 1972 there were more than one

million displaced Biharis living in settlements all over Bangladesh awaiting “repatriation” to Pakistan, despite the fact that most had never lived there.

Many did in fact move to Pakistan: around 178,000 in all benefited from organized repatriations between 1973 and 1993 (when protests in Pakistan brought the process to a halt), while others managed to find their own way there. The majority are reasonably well integrated in Pakistan’s biggest city, Karachi, albeit mostly in very impoverished neighbourhoods such as Orangi Town.

In the 116 settlements that remain in Bangladesh – like Geneva Camp – there are still some members of the older generation who long for “repatriation” (including

probably would be today. Ironically, in a supposedly more globalized world, it can be more difficult for a stateless person to travel between countries nowadays than it was in the 1930s.

In 1949, with millions of refugees and stateless people still milling around a shattered Europe, the United Nations appointed a committee to “consider preparing a revised and consolidated convention relating to the international status of refugees and stateless persons...” In the end, the work of the committee resulted in the drafting of two separate conventions: the 1951 Convention relating to the Status of Refugees, and the 1954 Convention relating to the Status of Stateless Persons.

The 1954 stateless convention provides a legal status for someone not considered as a national under the laws of any state. Seven years later, a second statelessness convention was added – the 1961 Convention on the Reduction of Statelessness – in an attempt to prevent or cure some of the root causes of statelessness.

The main problem with both conventions is the small number of states that have ratified them: 62 countries in the case of the 1954 Convention, and just 33 in the case of the 1961 Convention.

Article 15 of the 1948 Universal Declaration of Human Rights states that everyone has the right to a nationality – but it does not specify which state should



(Above) **Those Biharis who still live** in urban settlements in Bangladesh face many restrictions in their daily lives, including limited educational and employment opportunities. However, electricity and water are provided free of charge by the authorities. (Opposite) **Many Biharis** still live in poverty-stricken conditions in the settlements, 36 years after the civil war that made them stateless.

members of families split between the two countries). However younger people, such as Hasan and his group, are increasingly fighting for their rights within Bangladesh.

Khalid Hussain, president of the same association, says “We believe we are not stateless. We consider ourselves Bangladeshi. The legal situation is very clear.”

UNHCR agrees. “Urdu-speaking Biharis are citizens of Bangladesh according to its constitution, nationality legislation and the 2003 High Court verdict, which was not

challenged,” says the UN refugee agency’s Representative in Bangladesh, Pia Prytz Phiri. The agency is encouraging Bangladesh to declare that Urdu-speaking Biharis are citizens of the country, and to include eligible Biharis on the voter list so their rights are assured. Bangladesh’s military-backed government has promised parliamentary elections before the end of 2008. UNHCR also continues to encourage Pakistan to receive those Biharis whose families are split between the two countries.

In Bangladesh, the young Urdu-speakers

call their desired affirmation of full rights ‘rehabilitation,’ and Hasan defines it this way: “When a boy from the camp gets elected as an MP, when people get public service jobs, then we will be rehabilitated.”

Inside Geneva Camp, amid all the poverty and misery, that still seems like a distant dream. An older man approaches two visitors from UNHCR walking down the street. “We have been living in Geneva Camp for 36 years and things are going from bad to worse,” he says. He has a simple request: “Please pray for us.”

“ I FEEL I AM NOBODY AND DON'T EVEN KNOW WHY I'M LIVING. BEING STATELESS, YOU ARE ALWAYS SURROUNDED BY A SENSE OF WORTHLESSNESS.”

grant its nationality, nor in what circumstances. However, some key international treaties which have been ratified by most states – like the UN Convention on the Rights of the Child (CRC) – lay down obligations for states which, if applied, should prevent statelessness.

Article 7 of the CRC says that states should systematically register children at birth, and that they

should be provided with a nationality. Other international instruments, such as the Covenant on Civil and Political Rights, as well as treaties tackling racial discrimination and discrimination against women, contain provisions designed to prevent the arbitrary deprivation, or denial, of nationality for individuals.

The importance of registering births is graphically



AP / R. ESPINOSA / DOM-2007

A person of Haitian origin working in a salt mine in the Dominican Republic, where hundreds of thousands of stateless people live a precarious, poverty-stricken existence.

illustrated by the situation of people of Haitian descent in the Dominican Republic, where there are believed to be hundreds of thousands of stateless people. Although the country's constitution states that all children born on the territory automatically acquire nationality (except those born to foreigners "in transit"), the failure to register births has meant that many are left stateless as they cannot show where they were born or who their parents are. The problem particularly affects descendants of migrant labourers from neighbouring Haiti. The Inter-American Court of Human Rights found in 2005 that existing practice was discriminatory and ordered the Government to register all births in the country.

UNHCR'S ROLE

BECAUSE REFUGEE AND STATELESSNESS problems often overlap, the UN General Assembly gave UNHCR a mandate to deal with statelessness in 1974. The agency was specifically charged with providing legal assistance to the stateless and helping to promote the avoidance and reduction of statelessness globally.

Though its early work was mainly confined to eastern and central Europe, in recent years UNHCR has expanded its activities to Asia, Africa, the Middle East and the Americas.

UN High Commissioner for Refugees António Guterres, in a 2006 address to UNHCR's governing board, stressed that it was necessary to boost efforts to find solutions: "We were able to resolve statelessness situations with practical assistance in the Ukraine, FYR Macedonia, and Sri Lanka by helping hundreds of thousands of stateless individuals obtain a nationality, and are now involved in a meaningful cooperation programme with the Russian Federation. But such success stories have been too rare. We want to change that."

He proposed a concerted programme of cooperation with other specialized agencies – for example birth registration campaigns with UNICEF – as the best way forward. UNHCR is also linking up with various other agencies, including UNFPA, to continue the vital process of cataloguing stateless people through the organization of joint censuses with states.

THOUSANDS OF PEOPLE REMAIN STATELESS TODAY
INTO A BLACK HOLE CREATED BY AN

THE LAWMAKERS

“THE BEST WAY FOR PARLIAMENTARIANS TO demonstrate their determination to reduce or eliminate statelessness,” said Anders B. Johnsson, Secretary General of the Inter-Parliamentary Union (IPU), “is by ensuring that the issue is addressed politically in parliament, that appropriate national laws are adopted and that governments are held to account.”

UNHCR and the IPU are continuing to urge states to introduce nationality legislation to prevent statelessness, and the two organizations jointly produced a handbook for parliamentarians that provides practical advice for drafting citizenship laws.

Chile provides an encouraging example of how statelessness can be solved through decisive action by determined parliamentarians. “Children born to Chileans abroad used to be in a very unjust situation,” explained Isabel Allende, daughter of a former president and Member of Congress. “In order for them to acquire Chilean nationality, they had to come to Chile and live here for an entire year. This meant that many children born to Chileans in exile were stateless – because they simply were not in a position to return to Chile.”

Isabel Allende was one of those who pushed for a change in the law (which had been brought in by the Pinochet regime), and in 2005 a constitutional reform was passed by parliament. Now, she said, “simply by virtue of being born to a Chilean father or mother, the child can be registered at a consulate and is immediately granted Chilean nationality.” Meanwhile, legislators in nearby Brazil are focusing on legislation to address a very similar problem there.

LEGAL TRIPWIRES

A FEW SLIGHT SLIP-UPS IN THE FRAMING OF A citizenship law can have extraordinary repercussions – as Canadians have been finding out to their bewilderment.

New US travel regulations in the wake of the 2001 terrorist attacks mean that Canadians now need a passport to cross a previously relaxed border. Some of the thousands of people applying for a passport (or their pensions), were informed they were not Canadian. As the cases proliferated, so did the number of legal tripwires they exposed (mostly linked to some unfortunate interplay between previously obscure elements of the 1947 Citizenship Act and its 1977 amendment).

BECAUSE THEY FELL
EXPIRING EMPIRE.

THE BIDOON

BY ABEER ETEFA AND
ASTRID VAN GENDEREN STORT

The Bidoon, who are scattered across the Gulf States, are sometimes confused with

the Bedouin. Some of them actually are Bedouin by origin, but other Bidoon originate from Iran, Iraq, Syria, Saudi Arabia and other Gulf States – and even from Zanzibar. In fact, their name – which means “Without” in Arabic – is a direct reference to their statelessness. They are the people left without a nationality when Kuwait became independent in 1961, followed by Bahrain and Qatar and the formation of the United Arab Emirates (UAE) in 1971.

“This was a major trade route and many merchants were moving back and forth,” explains a UAE expert on the Bidoon. “Some settled down and others were moving constantly. At that time there were no borders, no passport control and no system of registering and recording births. It was a tribal system.”

No one knows for sure how many people became Bidoon when the various Gulf States set up their registration systems and established their country records. In the UAE, estimates range from 15,000 upwards. In Kuwait, the official number is 91,000, and there are very rough estimates of up to 70,000 stateless people in Saudi Arabia, but no official figures.

During the early years, life for the Bidoon was generally not too difficult. However, the huge number of migrant workers required to service the rapidly expanding economies of the oil-rich Gulf States, meant that the indigenous populations were soon very much in the minority – and as a result the issue of citizenship became

extremely sensitive.

Matters were complicated further – especially in Kuwait – by the Iran-Iraq war and Saddam Hussein’s 1991 invasion of Kuwait. The loyalties of the Bidoon were called into question. Some, indeed, ended up in Iraq after the war, and remain stateless there. The difficult situation of the Bidoon in Kuwait is the subject of continuous debate. Kuwait’s government and parliament have both expressed their desire to find solutions, and efforts continue in that direction.

Although the issue remains sensitive, one state after another has started to take measures to at least alleviate the problem, if not yet to solve it fully. The pioneer was Bahrain: in 2001, the government there naturalized 2,090 Bidoon, who were of Iranian origin but no longer had any links with Iran.

Then in October 2006, the UAE issued directives aimed at finding solutions for the Bidoon. The Supreme Federal Council, which is comprised of the rulers of the seven Emirates that make up the UAE, gave the green light for the naturalization of the first group of 1,294 people. A total of around 10,000 Bidoon should benefit by the time the process is completed.

Abou Ali is 44 years old, and is employed by the UAE government. Despite being one of the better-off Bidoon in the Gulf, he was still thrilled to be among the first group who received their citizenship in January. “The day I was called in for naturalization by the authorities is a day I will never forget,” he said, during a recent interview in a Sharjah cafe, “After many years of living here, and at times feeling lost, my ship has finally arrived to a port. This country is my past, present and future, and the future of my four children.”

NEPAL MOVES MOUNTAINS

BY NINI GURUNG
AND ERIC PAULSEN

I have an identity now,” said Birash Maya Majhi, amazed by how easy it was: an hour’s walk, a bit of a wait in line before handing over her application form, photograph and some supporting documents. “And then we were asked to come the next day to collect our citizenship certificates!”

Birash is one of a reported 2.6 million Nepalese people who received citizenship certificates during a massive government campaign to regularize their situation in the first few months of 2007. Hundreds of mobile teams criss-crossed Nepal’s 75 districts, visiting even the remotest of mountain villages, to ensure that certificates were issued to as many stateless people as possible.

This extraordinary logistical feat stemmed from the Nepal Citizenship Act of November 2006, which tackled the country’s long-standing “citizenship problem” – the estimated 3.4 million people who did not have citizenship certificates, and as a result suffered from a heavily truncated set of civil, social and economic rights. One of the main aims of the Act was to ensure that all eligible Nepalese can vote in forthcoming elections.

De facto statelessness as a result of ineffective or undocumented citizenship has been a long-standing problem in Nepal. The poorest and most marginalized communities in the country have tended to be the worst affected. Many were unaware of their right to citizenship, or of the importance of possessing a certificate. Others simply did not have the means to obtain one. Other factors leading to a lack of documentation included discrimination against women, the perception of some groups as “non-Nepali,” and insufficient state infrastructure to carry out the paperwork.

Human rights activists had long complained that, under previous laws, only men were allowed to pass on their Nepalese nationality to their children. Under the new law, mothers can also do so, subject to certain conditions. However, these provisions have yet to be fully implemented, as a result of administrative hurdles and deeply-engrained cultural factors.

“My husband refused to support me to get the certificate saying that, as I do not have to go out to work, there is no need for one,” said Janaki Kumal, a mother of two. “When I went to the certificate distribution centre, I was told that since I am married, they cannot issue the certificate without my husband’s formal

consent.”

Other women reported their husbands stopped them obtaining certificates because they wanted second wives or feared property disputes. And some fathers did not see any need for their daughters to obtain them, as they would soon be their husbands’ responsibility.

There are also still quite a few people in rural areas – including women – who remain unconvinced of the value of a certificate. “Our parents did not have a citizenship certificate as they never felt the need for one. It is the same with us. We are not educated, nor are our children – so why do we need one?” said Gyani, who lives in a remote village in Chitwan district.

One of the areas most affected by the “citizenship problem” is the Terai region bordering India, where the local Madhesi people have often been labeled as Indian rather than Nepalese. Even though they may have lived for generations in the same village, many Madhesi do not have birth certificates, land titles or indeed any of the supporting documentation required to validate their citizenship claims.

In an effort to get round this problem, the new law includes a temporary two-year provision allowing for citizenship by birth (instead of solely by descent). Under this provision,



Barbara Porteous, aged 70, one of the so-called ‘Lost Canadians.’

than the nearest Canadian hospital – for many years a common and accepted practice). Or because at some point their father had moved to the US to work and

had taken out US citizenship, not realizing that this action affected his entire family.

According to the law as it stood between 1947 and 1977, Canadians born abroad who were not residing in Canada on their 24th birthday, were obliged to fill out a form saying they wished to keep their citizenship. Unfortunately it seems some were never informed of this or various other requirements.

One woman described the last scenario to a Parliamentary Standing Committee: “I am Barbara Porteous. I am a Canadian. Canada says no, you are a 70-year-old woman without a country. On February 2 last year, I applied for a replacement citizenship card to facilitate applying for a passport. On 31 July, I received a letter from Citizenship and Immigration that

A FEW SLIP-UPS IN THE FRAMING OF A CITIZENSHIP



PHOTO COURTESY OF @GREG CONSTANTINE / NPL • 2006

A Dalit woman collecting stones for a living. Although some Dalits remain undocumented, others benefitted from the recent Nepalese government campaign that regularized the citizenship status of some 2.6 million people.

individuals born before April 1990 who prove they have spent their entire lives in Nepal now qualify for citizenship.

Prakash Bote also recently got a citizenship certificate for the first time. He is a member of an indigenous group known as the Bote, who earn their living as forest fishermen. However, since the establishment of the Chitwan National Park in 1973, fishermen have needed a

licence – and in order to apply for a licence, one has to have a citizenship certificate. Many of the Bote have therefore been prevented from pursuing their traditional livelihood for the past quarter of a century.

“The citizenship certificate has changed my life tremendously. I now have a licence to fish and can easily earn 50 to 100 rupees a day,” Prakash said.

The campaign has been a resounding success – and shows what is possible when a state is determined to get to grips with statelessness. “Within a short span of time, the number of people with ineffective citizenship has been dramatically reduced,” said Abraham Abraham, UNHCR’s Representative in Nepal. “The Government of Nepal should be highly commended.”

stated: ‘You ceased to be a citizen June 14, 1960, the day following your 24th birthday, as you were not residing in Canada on that date, nor had you applied to retain your citizenship prior to that date.’”

Perhaps the strangest category of all includes those who discover they are not citizens because their grandfathers or great grandfathers were born out of wedlock. This seems to have hit the descendants of a Canadian Mennonite community in Mexico particularly badly (the authorities in Mexico at that time refused to recognize their marriages).

The Canadian authorities, taken aback by the plethora of problems that have suddenly emerged, have tabled a citizenship bill for the autumn of 2007. In May, Canada’s Minister of Citizenship and Immi-

gration Diane Finley highlighted the key areas that will be covered by the new legislation: anyone born or naturalized in Canada on or after January 1, 1947 will have citizenship even if they had lost it under a provision of the 1947 Canadian Citizenship Act, she said. And anyone born outside the country to a Canadian parent – whether married or not – after 1947, will also be citizens – so long as they are the first generation born abroad.

But malfunctioning laws are often not so easily untangled. Each case has to be examined in depth and that takes time. And new laws take time to draft – otherwise they may just make a bad situation worse. Law-makers need to be very alert. If it can happen in Canada, it can happen anywhere. ■

LAW CAN HAVE EXTRAORDINARY REPERCUSSIONS.

STATELESS

BY CÉCILE POUILLY

ALBERT EINSTEIN (1879-1955)

physicist, born in Germany
STATELESS FROM 1896 TO 1901

ALBERT EINSTEIN had the unusual distinction of being a stateless person in the 19th century and a refugee in the 20th. He was born German, but renounced his nationality in 1896 and remained stateless for the next five years. In 1901, he became a Swiss citizen. He regained his German citizenship in 1914 when he became a member of the Prussian Academy of Sciences, and received the Nobel Prize for Physics in 1921 for his explanation of the photoelectric effect. After Adolph Hitler became Chancellor of Germany in 1933, Einstein resigned from the Academy, renounced his German nationality for a second time and became a refugee (not stateless this time, since he had retained his Swiss citizenship). He moved to the United States, where he received a hero's welcome, and in 1940 became an American citizen.



Einstein was stateless for five years before acquiring Swiss citizenship in 1901.

“Nationalism is an infantile disease. It is the measles of mankind.”

MSTISLAV ROSTROPOVICH (1927-2007)

cellist, conductor and political activist
STATELESS FROM 1978 TO 1990

On 15 May 1978, MSTISLAV ROSTROPOVICH, the most famous cello player on earth, learned from watching the news on French television that he and his wife, the renowned Bolshoi soprano Galina Vichnevskaia, had been stripped of their Soviet nationality for “systematic acts harmful to the prestige of the USSR.”

“We were obliterated,” he recalled in a 1997 interview with *Strad* magazine. Claude Samuel attended the press conference that followed: “It was very moving; he spoke about the injustice and she, Galina, of the cruelty of the decision. Those who were present will never forget it – it was so powerful. They hadn't planned what they were going to say, hadn't written anything down. It came straight from the heart. They had been ripped from their country.”

Their principal crime in the eyes of the regime was the support they gave to Alexander Solzhenitsyn, the Nobel Prize winning author of *The Gulag Archipelago*, whom they accommodated in their dacha after he lost his home in Moscow. The final straw came in 1970 when Rostropovich wrote an open letter defending Solzhenitsyn and protesting against the restrictions on cultural freedom.

For the next four years, Rostropovich and his wife were isolated and their performances were heavily circumscribed. Finally, in 1974, they were granted exit visas. Although personally devastated, Rostropovich's career flourished. His fame was such that several of the 20th century's most famous composers, including Shostakovich, Prokofiev and Benjamin Britten wrote pieces specifically for him.

The impulsive and irrepressible Rostropovich had a huge appetite for life, and continued to champion dissidents such as the physicist Andrei Sakharov.

But, despite all the success, the pain of exile never disappeared. Rostropovich decorated his Parisian apartment in a manner reminiscent of one of the Tsar's palaces: “It's my dacha in the Far West, I buy everything that reminds me of my Russia,” he told his friend, the French TV producer Jacques Chancel.

In November 1989, Rostropovich flew to Berlin and played Bach in front of the Berlin Wall as joyful Germans tore it down. It was a quite extraordinary scene, but for



Legendary cellist Mstislav Rostropovich in front of the Berlin Wall in 1989.

“You have no idea how humiliating it is to be a ‘worthless citizen’ – they chased us out.”

Rostropovich it was much more than an act of showmanship. “There, in front of that wall as it lost its stones, I suddenly regained my lost citizenship... Those who have been deprived of their identity understand what I had to put up with – the sheer pain, the most intimate of wounds. That moment lit up my whole life. It wiped away fifteen years of disgrace and humiliation.”

ACHIEVERS



DEUTSCHES FILMINSTITUT DIF, FRANKFURT / MAIN

Margarethe Von Trotta in 1977, directing her first solo feature “The Second Awakening of Christa Klages.”

“I don’t even know if I wanted to be German... If, every time someone asks you what nationality you are, you say ‘stateless,’ it is as if you don’t fully belong anywhere.”

In 1990, his Soviet citizenship was officially restored by President Mikhail Gorbachev. When communist hard-liners tried to overthrow Gorbachev in August 1991, Rostropovich rushed to the besieged Parliament and linked up with Boris Yeltsin and others opposing the coup.

When he died, just four days after Yeltsin in April 2007, thousands of tearful mourners filled Moscow’s golden-domed Cathedral of Christ the Saviour, alongside President Vladimir Putin, Solzhenitsyn’s wife Natalya, Yeltsin’s widow Naina, and his own widow, fellow exile and life-long soulmate, Galina. When the burial ceremony was over, the mourners burst into spontaneous applause.

Rostropovich, and the state he loved and criticized in equal measure, were finally definitively reconciled.

MARGARETHE VON TROTTA

film-maker

BORN STATELESS IN GERMANY IN 1942

MARGARETHE VON TROTTA is one of Europe’s best known female di-

“Formerly man had only a body and soul. Now he needs a passport as well, for without it he will not be treated as a human being.”

Austrian writer Stefan Zweig was forced to flee by the Nazis.



MULTON-DEUTSCH COLLECTION / CORBIS

rectors. She began her career as an actress, working with several of the great late 20th century German film-makers such as Rainer Werner Fassbinder and Wim Wenders. As a director, she soon carved out her own reputation as a brilliant analyst of complex female relationships, and has made a string of acclaimed movies including “Marianne and Juliane” (1981, winner of the Lion d’Or at the Venice Film Festival) and “Rosenstrasse” (2004).

“I was born in Berlin, and because my mother never tried to become German, she remained stateless and I was automatically stateless too,” she told REFUGEES magazine in an interview. “My mother was born in Moscow. After the revolution, the whole family had to flee and – like many Russian emigrés at that time – they lost their nationality.”

Her mother was not married, and the pair struggled financially. Although she was a good student, the young Margarethe was stigmatized for being stateless, fatherless and penniless.

“It was a constant problem. I studied in Paris for a while. You always had to have a visa, and people to act as your guarantors. To get to Paris, I had to cross Belgium, and for that I needed a transit visa. One time, I didn’t have one – I was only 18 – and in the middle of the night they made me get off the train at the border. I was in the middle of nowhere. I had to hitch a lift to Paris, because I had no money left...”

“I wanted to have a nationality – I didn’t care if it was French or German – just because I wanted to be freed from all those travel difficulties.” She finally got rid of her *fremdenpass* (the German passport for certain people without a nationality), when she got married for the first time, aged 23.

“But I still feel like a foreigner everywhere I go,” she said. “That has stayed with me.”

STEFAN ZWEIG
(1881 – 1942)
author, born Austrian
MADE STATELESS IN 1938

STEFAN ZWEIG was a celebrated European intellectual and writer. Deeply depressed by World War I, he became a committed pacifist. Because he was Jewish, in 1934 he was forced to flee his country of birth, Austria, and became stateless. He ended up in Brazil, where he and his wife committed suicide in February 1942. He wrote about being stateless in his autobiography *The World of Yesterday*:

“The fall of Austria brought with it a change in my personal life which at first I believed to be a quite unimportant formality: my Austrian passport became void and I had to request an emergency white paper from the English authorities, a passport for the stateless... [E]very foreign visa on this travel paper had thenceforth to be specially pleaded for, because all countries were suspicious of the ‘sort’ of people of which I had suddenly become one, of the outlaws, of the men without a country, whom one could not at a pinch pack off and deport to their own State as they could others if they became undesirable or stayed too long...”

“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 to myself. A part of the natural identity with my original and essential ego was destroyed forever.” ■

SRI LANKAN

Over 190,000 stateless tea-pickers have been granted citizenship thanks to a ground-breaking new law, but others are still waiting to benefit.

BY SULAKSHANI PERERA

No, I don't have a national ID card. I don't even have a birth certificate," said K. Thangavelu, folding his hands across his lap. He doesn't appear to think there is anything odd about that – and where he lives, there isn't. He is 58, but looks much older, with a thin frame and coarse wrinkled face bearing witness to a harsh life spent working outdoors on one of Sri Lanka's renowned tea plantations.

Like his father and grandfather before him, Thangavelu is a tea-picker employed on the Bopitiya estate, one of hundreds of tea plantations spread across Sri Lanka's picturesque hill country. Most of the people working on these estates are descended from Tamils imported from India between 1820 and 1840, when the island was still under British colonial rule. Although these "Hill Tamils" have been making an invaluable contribution to Sri Lanka's economy for almost two centuries, the country's stringent



(Below) Tamil tea-pickers waiting to go to work. Their ancestors were imported by the British from India in the 19th century.

citizenship laws had made it almost impossible for them to be legally recognized as citizens. Without the proper documents, these stateless people could not vote, hold a government job, open a bank account or travel freely.

Things improved dramatically when in October 2003, the Sri Lankan Parliament passed the "Grant of Citizenship to Persons of Indian Origin Act" to give immediate citizenship to people of Indian origin who have lived in Sri Lanka since October 1964 and to their descendants. The usually lengthy process of attaining citizenship was simplified by a "general declaration" countersigned by a justice of peace as proof of citizenship.

There were an estimated 300,000 stateless "Hill Tamils" in Sri Lanka at the time of the new law. The UN refugee agency organized a media campaign with the immigration authorities, the Ministry of Interior and the Ceylon Workers' Congress to inform the stateless



SUCCESS STORY



A plantation worker shows the receipt for his wife's citizenship application.

More than 190,000 people obtained Sri Lankan citizenship over 10 days in late 2003. "Almost overnight, the stateless population in Sri Lanka was more than halved," said Amin Awad, UNHCR's Representative in Colombo. "It was a huge success story in the global effort to reduce statelessness."

However, the process of obtaining the necessary papers has slowed down in recent years, with many plantation workers unaware of – or unable to exercise their right to receive – basic documentation as citizens of Sri Lanka.

"I completed the application for a National Identity Card and sent it to the *grama niladari* [local government official] two years ago. But I have heard nothing further," complained K. Thangavelu. Asked why he doesn't pursue the matter, he said, "The *grama niladari* is at his office only three days a week. The office is very far from the estate. So I have to spend one whole morning there, and then I will lose out on my daily wage. How will my family eat that day?"

DELAYS & OBSTACLES

IN ADDITION TO THE bureaucratic process, there is also an element of exploitation by some estate owners who profit from their workers' legal limbo. Tea-pickers are paid 170 Sri Lanka rupees (a little over \$1) for a day's work, provided they bring in a minimum of 18 kg of tea leaves. At the end of the month, estate workers each receive Rs. 3,740, but only if they work the full 22

tea-pickers about the law and the procedures for acquiring citizenship. Mobile clinics and volunteers were deployed to the plantations to answer questions and fill in the necessary forms. Local authorities, aid workers and union representatives took part in workshops to better understand the country's

citizenships laws, and to address practical issues such as access to basic documentation and voter registration. A separate information campaign was organized for an estimated 10,000 stateless people who had been displaced in the north and east by the inter-ethnic fighting in 1983.



UNHCR / G. AMARASINGHE / LIA42007

Tea-pickers on one of the famous Hatton tea estates. Some plantation workers are still unaware of their right to become fully documented citizens of Sri Lanka.

days. If the world tea market goes up, they receive an additional Rs. 25 a month. At present, with a 12 percent inflation rate, such a wage is barely enough to feed one person for a month, let alone a family of 17 like that of Anthony Nalliah, another tea-picker on the Bopitiya estate.

With illness and old age beginning to catch up on him, 55-year-old Nalliah feels he will soon be forced to give up his gruelling job. Fortunately, he is not his family's sole breadwinner, as all but one of his children are now employed by the estate. Nalliah's biggest fear is that, because of his statelessness, he will not receive the money owed to him when he retires. "They will ask me for all sorts of documents like my national identity card,

birth certificate and marriage certificate. I don't have any of these. Then what will I do? I don't want to stay at home and be a burden to my family. Until I get these documents sorted out, I will work for as long as I am able."

Anthony's youngest son, 17-year-old Nithyanandan, had more ambitious plans. "I never wanted to work in the estate like my siblings," he said. "But I had to stop my education two years ago because my parents couldn't afford to send me to school. I travelled to Colombo when I was 16 and worked for a short while at a poultry farm there, but I had to come back because of the security situation."

In a city wracked by periodic bombs

and suicide attacks by the Tamil Tiger rebels, Nithyanandan was subjected to lengthy questioning by Colombo's security forces after he was unable to produce proper identity documents. In the end he decided to return home and apply for his national ID.

A full year has passed since he applied, and he has still not received a response from the authorities. So Nithyanandan feels he now has no option but to join the rest of the family working on the estate, at least until his documentation is finalized. "I feel guilty staying at home while my parents work hard to feed me," he said. "So I will work in the estate here until I get my national ID card, but I really don't know how long it will take."

PRIOR TO 2003, SRI LANKA'S STRINGENT CITIZENSHIP LAWS MADE IT ALMOST IMPOSSIBLE FOR THE 'HILL TAMILS' TO BE LEGALLY RECOGNIZED AS CITIZENS.



UNHCR / G. AMARASINGHE / IMA2007

“ALMOST OVERNIGHT, THE STATELESS POPULATION IN SRI LANKA WAS MORE THAN HALVED.”

Ignorance is largely to blame, said Mrs. Arumugam, the principal of a small school on Chrysler’s Farm estate in Hatton, Nuwaraeliya district, considered by many to be the centre of Sri Lanka’s tea industry. After 30 years of teaching at estate schools, she stresses the importance of changing parents’ attitudes.

“We try and educate the students about the need for national identity cards and proper documentation,” she said. “But when they tell their parents, the children’s comments are simply brushed aside. Some parents also question why national identity cards and birth certificates are important, because they themselves have managed perfectly fine without them. So these children grow up with absolutely no evidence of their parentage, except a piece of paper issued by the estate management.”

If the children continue with their

education until the age of 16, the school is responsible for obtaining their national identity cards. However, of the 366 students studying at the school she heads, Mrs. Arumugam says only a few will go on to complete their GCE “O” Level exams.

“All of these estate families are living below the poverty line, and they need as much assistance as possible to survive,” she said. “The paltry amount they earn is not at all enough to feed and clothe the young ones, let alone send them to school. As soon as they feel the children are old enough, the parents put a stop to their education and send them to work on the estates.”

NEW OPPORTUNITIES

BUT SLOWLY, SURELY, SOME REAL advances are taking place. Former Hatton resident Kalyani, has successfully embarked on a new career outside the tea in-

dustry after getting her national identity card in 2006. She is now working as a geriatric nurse in Colombo.

“I was really thankful when my national identity card arrived because it allowed me to travel to Colombo and find work here,” said the 23-year-old. “I am earning much more than I would have if I stayed on at the estate.” Her husband is also applying for his national identity card and will then join her in Colombo. “He is with my two-year-old son in Hatton. My mother takes care of the child while he goes to work, but very soon all of them can join me here for a much better life.”

With a bit of luck – and plenty of commitment by those enlightened Sri Lankans determined to end the unjust situation of stateless people – more of the estate workers will soon be able to reap similar success from the massive contribution their families have made to the Sri Lankan economy over the past 200 years. ■

SORRY, WRONG

BY MARK MANLY

Two people meet and fall in love. They are married and have children. But what happens if husband and wife have different nationalities and the wife is unable to transmit her nationality to her children? The ending is not always a happy one.

The Association Démocratique des Femmes du Maroc describes the difficulties encountered in Morocco by children with a Moroccan mother but a non-Moroccan father: “The child had no civil registry card. The mother had to apply for a re-entry visa each time she wished to take her child abroad. From the age of 15, the child was required to have a foreigner’s residence permit which had to be renewed each year. The child had difficulties registering at university after obtaining the *baccalauréat*.”

Many children born to mixed marriages will acquire the father’s nationality and, in principle, should be able to obtain a passport and live in his home country. If the father is stateless, however, the children may be unable to acquire any nationality.

Freddy is around 50 and has spent all his life in Egypt, but that did not make him an Egyptian. Nor, under Egyptian law, did the fact that his mother was Egyptian give him any automatic right to nationality. “I was born in Cairo; my father was a stateless person of Armenian origin. He came to Egypt after the First World War, when the Ottoman and Russian empires collapsed. Despite the fact my mother had Egyptian nationality, I am stateless like my father,” he says, adding “I suffer from asthma, I am single. I don’t have much to offer a family.”

Even when the father does have a nationality, if his country’s laws do not

permit him to pass it on to children born abroad, they may end up stateless.

Sometimes a child who is entitled to his or her father’s nationality may still fail to get it because his country does not have a consulate in the state where the child was born, and the family cannot afford to travel somewhere where there is a consulate.

On other occasions, the marriage falls apart and the father refuses or neglects to register a child, and the mother – who desperately wants to pass on her nationality – cannot do so.

DISCRIMINATORY LAWS

THIS FORM OF DISCRIMINATION against women used to be very common. In fact, the notions of “dependent nationality or “unity of nationality of spouses” previously predominated in nationality legislation worldwide. The assumption was that dual nationality

should be avoided, and the whole family should possess the same nationality – namely the father’s. As a result, the woman was supposed to take the nationality of the man upon marriage and so were any children she might bear. The possibility that the father might not have a nationality, or that a mixed marriage might end in divorce, was not taken into account.

Discriminating against women, when it comes to passing on nationality, is prohibited by two international human rights treaties: the 1957 Convention on the Nationality of Married Women, and the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). As a result, the practice has gradually been abandoned by more and more countries.

There are, however, still dozens of states in Africa, Asia and the Middle East that retain such discriminatory measures.



This 20-year-old Bihari mother of a young baby is going blind. She makes paper bags for a living after her husband abandoned her, and has no access to healthcare.

GENDER



A new law allows children born to Moroccan mothers and foreign fathers to receive Moroccan nationality – an important step in the fight against gender-based statelessness.

Although 185 countries are party to CEDAW, many have entered reservations to the provisions on nationality, so are not bound to respect them.

WELCOME CHANGES

DESPITE THIS, THERE ARE CLEAR SIGNS of a change in the air, with active civil society campaigns to amend the laws under way in various countries. In Morocco, the Association Démocratique des Femmes du Maroc (ADFM) lobbied the Government for years to change the law. It has also linked up with organizations doing similar work elsewhere in the region. According to ADFM, “we try to share the positive results we have achieved with other countries in the Middle East and North Africa, via a network of NGOs called the Women’s Learning Partnership. Together, we have launched a regional campaign for the equality of men and

women when it comes to acquiring and transmitting nationality.” The Learning Partnership is also working in Algeria, Bahrain, Egypt, Jordan and Lebanon.

Governments are becoming increasingly aware of the adverse impact gender discrimination on nationality issues can have on people’s everyday lives. A number of countries have recently adopted, or are currently considering, new laws that seek to address this situation. Since 2004, for example, Egypt, Morocco, Iran and Bahrain have all adopted laws which allow children to acquire their mother’s nationality – although unfortunately several of these countries continue to set at least some restrictive conditions on the transmission of nationality via women (for example, in some countries, the father’s nationality is passed on automatically, while a mother must apply to naturalize her children). Also,

in some cases, the new laws do not apply retrospectively.

In Morocco, the Government promised in 2005 to amend the 1958 Nationality Code to allow women to pass on their nationality to their children, and the amended Nationality Code duly came into force in early 2007. ADFM notes that many children born to foreign fathers have already requested Moroccan nationality and have been able to acquire it, but warns it is still too soon to evaluate the overall implementation of the new law.

INDONESIAN EXAMPLE

IN 2006, INDONESIA ADOPTED A NEW Citizenship Law which, at least with regard to gender equality, is a model for other countries. Indonesian Member of Parliament Tuti Indarsih Loekman Soetrisno said that when she and other members of a parliamentary committee

GRADUALLY THOSE SMALL HARMFUL GENDER-RELATED

on citizenship made field visits during the drafting of the law, they witnessed first-hand the impact of the previous law on women and their families.

“In the 1958 Law, nationality was transferred primarily through the father and only in special cases could the

mother transfer her nationality,” she said. As a result, Indonesian women who married foreigners faced many problems. “Their children and husbands were considered foreigners with very limited immigration status, which obliged them to leave Indonesia every year to renew their

visas – for which they had to pay a substantial amount. If something happens to the marriage, the mothers do not have any right at all to custody of their children.” The new law, she says, provides improvements “such as a much broader, generous and more gender-neutral defi-

LOSE A HUSBAND, LOSE A

The stateless brides of Viet Nam

BY KITTY MCKINSEY

In danger of being ostracized as an “old maid” in Viet Nam at the age of 27, Loan thought she had found the ticket to an easy life when an older Taiwanese man asked to marry her and promised to whisk her out of poverty.

“My father and mother thought the man looked honest, so they advised me to marry him,” she says ten years later. She is now back living under her grandmother’s roof, with her two small children, deserted by a husband who won’t even take her phone calls. Worst of all, even though she is in her home country, she is now stateless – deprived of all the rights she grew up taking for granted.

Loan’s plight is far from unique. Thousands of poor Vietnamese women who have married Taiwanese (or other foreign) men over the last 10 years have seen their dreams of a good life crumble. Some tell tales of alcoholic, abusive husbands, cruel mothers-in-law, linguistic confusion, cramped living quarters, deprivation, abuse and economic exploitation. When they arrive back to seek refuge in the land of their

birth, they find that they – and often their children too – have become stateless.

Between 1995 and 2002, more than 55,000 Vietnamese women married foreigners, with the figure approaching 13,000 in 2002 alone, according to Viet Nam Ministry of Justice statistics. The bridegrooms – mainly from Taiwan, South Korea, Hong Kong and Singapore – are often older, badly off workers who are unable to attract a woman or afford the required elaborate wedding in their own prosperous countries.

Loan’s husband was 37 when they married in 1997. “He lived with someone else before, but he couldn’t get married to her because his economic status was low in Taiwan,” Loan explains frankly. “That’s why he came to Viet Nam to find a wife.”

Few of the foreign husbands or Vietnamese wives enter these marriages with romantic illusions. The Viet Nam Women’s Union of Ho Chi Minh City, which tries to advise women heading into foreign marriages, and to help those whose unions collapse, found in a survey that 86 percent of such marriages are contracted for economic reasons, with the women dreaming of a better life abroad. Nowadays, with prosperity on the rise at home, women in the booming southern Ho Chi Minh City (formerly Saigon) have fewer reasons to

contract economic matches. So would-be foreign grooms are now trawling the impoverished Mekong Delta for desperate, uneducated brides.

For many, the legal problems start to arise when the wife applies for naturalization in her husband’s country. In Taiwan, for example, the process requires her to renounce her Vietnamese citizenship first; as a result, if the marriage fails before she acquires her new citizenship, she ends up stateless.

That’s exactly what happened to Loan, who dabs at her eyes with a handkerchief as she tells her story, sitting in a sewing machine shop that her grandmother rents out. At her husband’s request, Loan renounced her Vietnamese citizenship and was on track to become Taiwanese. But she became pregnant for the second time just as her husband’s company went bankrupt, so he sent her back to Viet Nam to have the baby.

They were already having problems. Her mother-in-law, she says, hated foreigners. They lived all crammed together with other relatives in a tiny home. And although Loan learned to speak some Chinese before the marriage, “we could only talk on the surface of a subject, not deeply on matters between a husband and a wife.”

But as Loan tells it, the final blow to her marriage came when the second child (like

IF A MARRIAGE FAILS BEFORE THE WOMAN ACQUIRES

CLAUSES IN CITIZENSHIP LAWS ARE BEING CHIPPED AWAY.

... Under the new law, citizenship is awarded to all children who have at least one Indonesian citizen as parent, whether married or not.”

She noted however that many government officials in the field were still not aware of the new legislation. “Therefore,

whenever I have a chance, I am using every opportunity to disseminate the improvements in the new law, and the government regulations, by visiting towns and villages in Indonesia, as well as Indonesian Consulates and Embassies overseas so that the benefits of the new

law will be enjoyed by as many Indonesians as possible.”

It’s a slow, grinding process, but gradually those small gender-related clauses in citizenship laws around the world that have caused so much hardship are being chipped away. ■

COUNTRY

the first) turned out to be a girl – not the son her husband was desperately hoping for. “He came here to visit me, but when he saw that I gave birth to a daughter, he left and disappeared forever.”

In the four years since he deserted her, her life has been a bureaucratic nightmare. Stateless women like Loan have lost the very right to have rights – to work legally or to get social assistance. Without Vietnamese citizenship, Loan and her daughters are adrift, not entitled to the vital family-book identity document essential for every transaction between citizens and government institutions in Viet Nam. Her older daughter, now seven, is Taiwanese and therefore not eligible for free education in a Vietnamese state school. Like many other stateless mothers, Loan is facing high charges for the private schooling for her children.

Since her husband abandoned her in 2003, she says wearily, “I have to go back and forth to the department of justice and the Taiwan office, and the immigration office, to apply for a visa for my children and arrange education for them. I hope we can get the paperwork done so my first child can go to school.”

Although justice department authorities in Ho Chi Minh City say they are working hard to restore citizenship to stateless



Nguyen Thi Diem Chi back in Viet Nam without a nationality after her marriage to a Taiwanese man broke up.

women whenever they hear of such cases, abandoned stateless brides often have no idea how to set about getting their citizenship restored – and some fall prey to the same type of unscrupulous intermediaries who sold them into marriage in the first place. Loan says a local lawyer she consulted wants US\$ 5,000 to help her get her citizenship back – an unimaginable sum for her.

The UN refugee agency is also working to prevent and resolve statelessness not only in Viet Nam, but around the world. “We have considerable experience on such issues

which we can share to address these problems,” says Hasim Utkan, the Bangkok-based regional representative for UNHCR responsible for Viet Nam. “It is good to see the issue is being handled by the government with so much transparency.”

Restoration of citizenship now looks on the cards for Nguyen Thi Diem Chi, an elegant, self-assured 33-year-old who says she married her Taiwanese businessman husband for love, not money. Fluent in Chinese, she had worked for him as an interpreter in Ho Chi Minh City before their marriage, and then moved to Taiwan, where she had two children.

Speaking of her former husband without rancour, she says the marriage fell apart because “we were incompatible – my husband couldn’t understand me.” She said her husband asked her to give up her Vietnamese citizenship but then, to her consternation, blocked her efforts to become naturalized in Taiwan.

Now back home with her two children, to whom she still speaks Chinese, she is not wasting time feeling sorry for herself. Instead she has been busy building herself a new life, with a good job as manager of a seafood restaurant and a well-furnished upscale home of her own.

Even so, she says, life without citizenship is a struggle: “It’s difficult because I don’t have an ID card or a family book, but I am trying to get my Vietnamese citizenship back and I think I am about to get it,” she says, cuddling her baby daughter. “Then life will be better.” ■

HER NEW CITIZENSHIP, SHE ENDS UP STATELESS.



Mahamid Arab nomads in Niger.

AFRICA'S HIDDEN PROBLEM

BY CÉCILE POUILLY

Until recently, relatively little attention had been paid to the problem of statelessness in Africa. But gradually that is beginning to change – not least because of the realization that statelessness has already had a seriously destabilizing effect in some countries, and because there are currently risks of large new groups of people being rendered stateless as a result of political developments on the continent.

COLONIAL LEGACY

MANY OF THE BORDERS IN MODERN Africa were arbitrarily established by the colonial powers, and most of the inde-

pendent states that materialized after the colonial era ended have a spectacular variety of ethnic groups. Some of these have never been formally considered as nationals despite living in a particular country for generations. The possibility of redrawing some of the colonial borders in a more logical manner was considered and dismissed during the 1960s in case it caused more problems than it solved.

The state that is now known as the Democratic Republic of Congo (DRC), for instance, has received several waves of migrants and refugees from Rwanda. In addition, a 1910 convention between the successive colonial rulers Germany and Belgium resulted in some areas formerly controlled by the King of Rwanda being

annexed to the Belgian Congo, along with their inhabitants.

This group of people, known as Banyarwanda, expanded as a result of subsequent waves of migration after World War I, and the political crises that tore Rwanda apart in 1959, and again during the 1970s.

Since independence, the issue of the Banyarwanda's nationality has been a consistently contentious factor in Congolese politics. They have been repeatedly granted and deprived of their Congolese nationality and have frequently become embroiled in competition for land and political power. They have also developed a difficult relationship with the small and crowded neighbouring country with whom they are linked by name and by origin, but not by nationality.

GIVE AND RETAKE

THE 1964 CONSTITUTION, FOLLOWED by a Decree Law adopted in March 1971, gave Congolese nationality to all Banyarwanda who had been living in eastern DRC before 1960. However, less than a

year later there was a partial U-turn when a new law decreed that Banyarwanda who had arrived in Zaire (as the country was then called) after 1 January 1950 were not nationals.

In 1981, the legislation was amended once again to the effect that Zairian nationality could now only be granted to Banyarwanda who could prove that their direct ancestors had lived in Zaire since 1885. Since birth registration in the 19th century was – to put it mildly – far from systematic, this resulted in most Banyarwanda having their rights retroactively revoked, leaving them effectively stateless.

The massive influx of refugees and fighters into eastern DRC in July 1994, following the Rwandan genocide, reinforced the mistrust between the various ethnic groups and intensified the fierce debate over nationality. This issue was a major factor in the 1996 war and continued to contribute to the chronic instability that has affected this immense country in the heart of Africa (see REFUGEES No. 145 for a more detailed analysis of the situation in DRC).

Recently the situation of the Banyarwanda has taken a turn for the better: a 2004 nationality law, and the 2005 Constitution, confirmed that Banyarwanda who can prove they were in the country at the time of independence are, along with their descendants, once again considered citizens of DRC.

THE LOYALTY QUESTION

AFTER THE 1998 WAR WITH ERITREA, the Ethiopian authorities decided to denationalize some of its citizens who had taken part in a 1993 referendum on the independence of Eritrea. It was argued that their participation in the referendum was proof that they belonged in Eritrea, and therefore (since Ethiopia does not permit dual nationality) they were stripped of their Ethiopian citizenship.

Both countries had traditionally

hosted large numbers of each other's peoples – some 600,000 people of Eritrean origin in Ethiopia, and about 100,000 people of Ethiopian origin in Eritrea. But, as relations continued to deteriorate, they began deporting some of their own citizens whose loyalties they found suspect. A few people were physically stranded in no man's land for years. Others remained, but effectively became stateless.

DEMOCRATIC PARADOX

IRONICALLY, THE GROWING NUMBER of elections being held in African states has in some cases inflamed the debate over nationality. "The issue of who can – or cannot – vote suddenly matters a great deal," said James Goldston, executive director of the Open Society Justice Initiative which is running projects to combat statelessness in Africa. "As a result, the power to grant, withhold or deny citizenship has become an attractive political weapon."

In Côte d'Ivoire, the issue of national identity (often referred to as *ivoirité*) has been a major factor in the armed conflict that split the once-prosperous West African country in 2002.

For decades, the flourishing Ivorian economy attracted millions of foreign workers from Burkina Faso, Mali, Niger and Guinea to work in cocoa plantations. In many cases they were given the right to own land and even to vote. Pointing out this long tradition of migration and hospitality, President Houphouët-Boigny – who remained in control of the one-party state from 1960 until his death in 1993 – declared: "In this country, we are all foreigners." A 1998 population census showed that 26 per cent of the Ivorian population were officially classified as 'foreigners,' although a large proportion of them had been born on Ivorian soil.

WHO IS A REAL CITIZEN?

IN THE 1990S, A BURGEONING economic crisis led to friction between



"I am a xenophobe, and so what?" Feelings run high during a 2002 demonstration in Côte d'Ivoire.

plantation workers of foreign origin and local villagers who had sold or leased them land. The fragile ethnic balance began to splinter and references to ethnicity became a central element of the political debate, revolving around fundamental questions such as "Who is a real Ivorian?" and "Who is entitled to vote in elections or run for office?" Matters began to come to a head when Alassane Ouattara, a northern Muslim of Burkina Faso descent and one of the main political figures, was barred from running for the presidency.

Issues surrounding the immigrant workers were prominent during and after the attempted coup d'état in 2002, with feelings running very high and outbreaks of violence aimed at communities viewed as 'foreign.' The armed conflict formally ended in January 2003, and the March

SOME REGIMES FIND IT HARD TO RESIST THE TEMPTATION TO MANIPULATE NATIONALITY ISSUES.



UNHCR / S. BONESS / ERI*2001

People of Eritrean origin deported from Ethiopia in 2001. As a result of the conflict between the two countries many others lost their Ethiopian nationality but still live there as foreigners. Eritrea also deported people in the other direction.

2007 Ouagadougou Agreement marked a further important step towards lasting peace. As part of the reconciliation process, the National Unity Government decided to organize *audiences foraines* – mobile courts which can conduct late birth registrations and issue birth certificates, which can then be used to establish nationality and enable people found to be Ivorian to vote in future elections.

ONE STEP FORWARD, ONE STEP BACK

EFFORTS TO ADDRESS THE ISSUE OF statelessness are being made in several other African countries, especially through measures to ensure birth registration. But at the same time, as Trevor Ncube points out (see story opposite), some regimes find it difficult to resist the temptation to manipulate nationality issues in order to erase political opposition. Perhaps the best-known example of this was when Kenneth Kaunda, President of Zambia from 1964 to 1991, was stripped of his Zambian citizenship by his successor in 1995.

ENVIRONMENTAL THREAT

IT HAS LONG BEEN PREDICTED THAT climate change, and the ensuing competition for water, would lead to conflict. In Africa, such conflicts are already happening. Increasing competition over natural

resources due to the desertification process has led to frictions between sedentary farmers and nomadic herders in the Sahel, especially in border areas where different groups had previously managed to coexist more or less peacefully for many years.

After the Great West African Drought of 1972-1974, the Mahamids – a small nomadic group totalling some 4,000 people – moved from eastern Chad to Niger’s Biltine region (around 1,000 kilometres from the border). In the 1980s, more Mahamids left Chad in order to escape the civil war there.

According to a 2001 census carried out in Niger, most of the Mahamids possess an ID card issued by the local authorities. However, serious disagreements with local residents over the use of water resources and grazing rights led the central authorities to begin talking about expelling the Mahamids in October 2006 (although they pulled back from fulfilling the threat).

In Mauritania, tensions between pastoralists and farmers went one step further, contributing to the flight of thousands of Mauritanian nationals into Senegal in 1989 – a situation which finally seems closer to being solved through restoration of nationality and voluntary repatriation. ■

SUDDEN

BY JACK REDDEN

Trevor Ncube was born in Zimbabwe. His father was a citizen, and Ncube kept in his home a laminated copy of the document confirming he had taken an oath of citizenship. But in 2006, as the well-known newspaper publisher tried to renew his Zimbabwean passport, he was told he had become stateless.

“You can never begin to imagine what it means to be stateless – until you are stateless,” Ncube said. “It has a hugely debilitating effect. It dehumanizes you. Suddenly you are nobody. You begin to think about who you are and where you belong... It must have been one of the most difficult times in my life.”

Ncube, in what he sees as a form of political harassment, had become a victim of complex nationality laws that are leaving huge numbers of Zimbabweans in danger of being stateless. The problem is not unique to Zimbabwe. It exists all across the continent – its roots usually arising out of the arbitrary borders drawn by colonial administrators decades ago. However, nowadays the main threat stems from the web of restrictive laws constructed by successor governments.

“They told me the document I had confirming I had taken an oath of Zimbabwean citizenship had lapsed because I should have gone to the Zambian embassy, and formally lodged a certificate renouncing my entitlement to Zambian citizenship (as my father was born in Zambia),” Ncube said, at the office in the South African city of Johannesburg where he oversees his growing newspaper holdings.

Using his nearly full Zimbabwean passport, Ncube left the country of his birth, went to his main home in Johannesburg and launched a court challenge. “I won the case quite resoundingly: the High Court took a very dim view of what the officials in the passport office had done.”

His lawyers interpreted the court decision as a precedent for others in the same dilemma, but Ncube says he is

LY, YOU ARE NOBODY

constantly being contacted by others in Zimbabwe who are facing a similar threat of becoming stateless. Ncube – who owns two newspapers in Zimbabwe, as well as the influential *Mail and Guardian* in South Africa – is well aware that the option of hiring good lawyers is not available to most people.

“The majority of people who find themselves in the same situation as mine are farm workers and general labourers in the city centre, who are very poorly paid – so they cannot afford the kind of litigation I was able to put up,” he said. “That means the whole matter has really dire consequences for people.”

After winning back his own citizenship, Ncube used his Zimbabwean newspapers to launch a campaign to find out how many other people were in danger of becoming stateless. Most come from the poorest end of society, but some people, he said, occupied high political positions.

“There could be a couple of million Zimbabweans in my situation,” Ncube said. “For some people, the status of being stateless does not present itself as a problem until they have to vote, until they have to get a birth certificate for their son, until they apply for a passport.”

Ncube’s problems arose from a number of changes to Zimbabwean law that took place in 2001. These had the effect of stripping many white Zimbabweans who owned large commercial farms of their citizenship. They also resulted in the disenfranchisement of many of those farms’ labourers, whose families had once come from neighbouring countries – prompting allegations that the new legislation was driven by fears such

people might cast their votes for the opposition.

In colonial times, farm labourers often moved between what is now Zimbabwe and neighbouring countries – especially Zambia, Mozambique and Malawi. All three of those countries now have different laws governing citizenship. Unlike many other states, none of the nations in southern Africa allow people to hold citizenship of more than one country, and in some cases people may lose



Leading Zimbabwean newspaper publisher Trevor Ncube seeing how his papers fare on the street, after reports that vendors were being harassed.

their citizenship if they go to live abroad.

Some offer children the original citizenship of a parent – even when the parent has since changed his or her nationality. Sometimes citizenship must be actively claimed, and on other occasions it is inherited – unless formally renounced. In some places, there is a deadline for deciding. Other countries allow a person born there to become a citizen by taking an oath; whereas, elsewhere, citizenship may be contingent on a parallel statement to the parent’s country renouncing citizenship there.

In many countries in Africa, and

elsewhere, the threat of depriving people of citizenship – making them stateless – is a powerful and tempting way for a government to control some of its opponents. Even without political motives, the ambiguity over citizenship can fuel the xenophobia that is a growing problem in many countries in Africa.

“African politicians are so aggrieved by what colonialism did to this continent... and yet one of the most destabilizing creations of colonialism is the artificial boundaries of African states,” said Ncube, who is not afraid to tackle some of the continent’s thorniest issues. “And these rabidly anti-colonial politicians are hanging on to that, and I would think that one day reality is going to dawn for them.”

“So for me,” he added, “it is not about reviewing each country’s citizenship laws but – at the African Union level – unifying citizenship best practice and looking at a much more progressive way of looking at citizenship.”

Ncube would like to see African countries adopt liberal citizenship laws, including the right to dual citizenship. He hopes his own children will be able to make their own decisions about which nationality they adopt.

“We need to mobilize citizenship as a way of strengthening our strategy for growth – and not use it to punish those you disagree with,” Ncube said. “We don’t talk about this issue of statelessness and citizenship in Africa enough because there are a lot of people who have been affected by the arbitrary use of citizenship.” ■

