Evaluation of UNHCR-led Initiatives to end Statelessness[1]

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Background

UNHCR's mandate to address statelessness has evolved significantly since 1951 from responsibilities for stateless refugees only, to the identification and protection of non-refugee stateless persons and the prevention and reduction of statelessness itself. In 2014, UNHCR redoubled its efforts under this mandate and established the Global Action Plan to End Statelessness: 2014 - 2024 (GAP) as a guiding framework for its Campaign to End Statelessness by 2024.

This evaluation was commissioned by the UNHCR Evaluation Service to generate evidence and insights regarding UNHCR's work to support States to end statelessness and was timed to inform potential adjustments for the remaining years of GAP implementation. The evaluation covered the period of 2001 to 2020 with particular focus on actions and advocacy efforts of UNHCR and partners to support the GAP since 2014.

A stateless person is defined as 'a person who is not considered as a national by any State under the operation of its law' (Article 1 of the 1954 Convention Relating to the Status of Stateless Persons). The causes of statelessness include discrimination, conflicts between or gaps in nationality laws, state succession, border or sovereignty disputes, lack of documentation (including birth registration), and forced migration. Stateless persons often lack access to basic socioeconomic and political rights that citizens enjoy. Statelessness affects millions of people globally, though the exact number of stateless persons is unknown. In 2019 UNHCR reported 4.2 million stateless persons in 76 States as persons of concern.[2] Between 2010 and 2019, 754,500 stateless persons have acquired nationality.[3]

The evaluation consisted of five key phases: the inception phase, remote data collection phase (global survey, interviews with internal and external stakeholders, documentation reviews), "deep dives" into four country operations (Cote d'Ivoire, Kenya, the Philippines, and Tajikistan), three regional case studies (Americas, Europe, and the Middle East and North Africa (MENA), and consultations with Regional Engagement Groups in Africa and Asia and finally an analysis, validation and report writing phase. The final draft report was also subjected to a review by a Reference Group, comprising senior stakeholders from UNHCR and key partner agencies.

1. Evaluation of UNHCR's led Initiatives to end Statelessness.
2. UNHCR Global Trends Forced Displacement in 2019, page 68. This number of stateless persons include the number of persons of 'undetermined nationality' who may be confirmed as such if a stateless determination would take place.
3. See UNHCR (2020) Refugee Global Trend. https://www.unhcr.org/en-ie/statistics/unhcrstats/5ee200e37/unhcr-global-trends-2019.html

UNHCR and partners have positively impacted on the lives of many stateless people and those at risk of statelessness, evidenced by the number of people that have acquired nationality, stories about the value of gaining citizenship, and the many good and innovative initiatives to prevent and resolve statelessness. By working together, UNHCR and partners have successfully raised awareness of statelessness and begun to build the necessary political will and capacity to prevent and resolve statelessness. Since 2001 there is a growing dialogue on statelessness and more political will to act, with notable successes in particular countries and regions, as well as at the global level.

The GAP has been a useful framework for guiding States, UNHCR and other partners, and its broad scope allows for application in a range of different contexts. Global diplomatic events, such as the 2011 Ministerial Intergovernmental Event and the 2019 HLS have inspired momentum and pledges for future action. Within UNHCR, in the absence of a strong theory of change for ending statelessness, the GSIP has provided a foundation for setting organizational direction.

Despite successes, the ambitions of the campaign and targets set within the GAP have proven to be highly aspirational and are unlikely to be achieved by 2024. The challenges of statelessness will continue to remain beyond the lifetime of the Campaign. The most significant progress on granting nationality and mainstreaming and institutionalizing actions to end statelessness was seen in the period leading up to the launch of the campaign. Since then, statelessness tools and resources to support planning have continued to increase and improve, while overall resourcing has not grown. Experience has proved that ending statelessness is a long-term and complex undertaking, which is highly dependent on political will and susceptible to set-backs – including other crises, such as COVID-19 – that can divert attention and either slow or reverse progress.

The invisibility of stateless persons and those at risk of statelessness in many places has hampered progress. Gaps in reliable data on stateless persons and the effect that statelessness has on their lives have made it more difficult to communicate and prompt action. More progress has been made to strengthen statelessness data in contexts where there is already political will to address the issue and some degree of public awareness. However, it is precisely in the places where the least is known about statelessness, and where political appetite to discuss and tackle statelessness is lacking, that data is most needed to support UNHCR and partner efforts to communicate and lobby on behalf of stateless persons. The JDC

funded effort to develop the IROSS provides a critical opportunity to systematically improve the quality and comparability of national statelessness data.

Internal leadership on statelessness has been crucial to successes so far. Country Representatives play the most critical roles of all – as the face of UNHCR with national governments and the most influential decision-makers when it comes to prioritization of statelessness work. However, the ambitions of the campaign and the organization's clear mandate for statelessness have not been met with commensurate UNHCR statelessness budgets nor efforts to systematically mainstream statelessness within UNHCR. Leadership on the prioritization for statelessness has been inconsistent, with much greater attention to other priorities such as the GCR. Hesitancy to lobby on behalf of stateless persons in some sensitive contexts has been a risk to UNHCR's credibility. A short-term, emergency mindset has further relegated statelessness down the list of priorities within a culture that emphasizes quick impact over the long-term nature and results of statelessness work. Overall, the institutional culture of UNHCR has not adequately evolved to match the needs and challenges of the objective of the campaign and the organization's mandate for statelessness.

UNHCR's financial investments in statelessness have been critical to the progress made so far, providing opportunities to prevent and end statelessness for both the organization and its partners. However, UNHCR has not adequately prioritized statelessness in its resource mobilization efforts. Additional, sustained and carefully prioritized funding (and fundraising) is required, however, particularly for specific countries and regions where progress has been slow and for GAP actions that have been relatively neglected.

Investment in UNHCR's workforce is crucial, as work on statelessness relies primarily on knowledgeable and skilled personnel. Dedicated staffing has been a critical success factor in a number of operations. Conversely, where staff are stretched too thin and/or lack the necessary confidence to lobby on the topic, statelessness is often one of the first areas to be deprioritized. More dedicated statelessness staff and communications capacity are needed in key operations, including additional short-term surge capacity, and increased responsibility for statelessness is required across UNHCR staff functions. This implies a greater and more targeted effort to build knowledge and skills at all levels – allowing UNHCR to achieve more on statelessness with the limited resources available.

Ongoing changes within UNHCR – such as decentralization and multi-year planning and budgeting – are both opportunities and challenges for the work on statelessness. As responsibilities and authorities shift within the organization, and as ways

Table 5 – examples of UNHCR contributions and achievements from case studies

Mandate	Key achievements linked to UNHCR advocacy, technical support and assistance
Prevention	- Improvement of birth registration rates, procedures, law (MENA, Kenya, Albania) - Facilitating access to identification and documentation for refugees (MENA) - Legal reform to create safeguards against childhood statelessness (Albania)
Identification	- Mapping and improved data for stateless persons and persons at risk of statelessness (Albania, Cote d'Ivoire, Kenya, Philippines, Tajikistan) - Inclusion of statelessness in national census (Kenya, Tajikistan)
Protection	- Statelessness determination procedures (Cote d'Ivoire, Philippines, Ukraine) - Provision of assistance (through partners) to populations at risk of statelessness with civil documentation and legal advice (Albania, Cote d'Ivoire, Kenya, Philippines, Tajikistan, Ukraine, some MENA countries)
Resolution	- Registration and granting of citizenship for in-situ stateless persons (Kenya, Philippines, Tajikistan) - Granting of citizenship to displaced / migrants and their children (Colombia) - Legal assistance leading to reduction in statelessness (Iraq) - Nationality for foundlings (Cote d'Ivoire, Philippines (pending), Spain) - Nationality by declaration for in-situ stateless (Cote d'Ivoire)
Cross-cutting	- Increased public and PoC awareness (Kenya, Cote d'Ivoire, Tajikistan) - Increased political will among government leaders / parliamentarians (Albania, Cote d'Ivoire, Kenya, Philippines, Ukraine) - Building capacity of government and civil society to act against statelessness (Cote d'Ivoire, Kenya, Philippines, Tajikistan) - Accession to the 1954 and 1961 Conventions (Cote d'Ivoire, Philippines (1954, pledges at HLS for 1961) - Statelessness National Action Plans (Cote d'Ivoire, Kenya (draft), Philippines) - Inter-ministerial/agency steering committees / national task force (Kenya, Rwanda, Philippines, Tajikistan) - HLS commitments (Cote d'Ivoire, Kenya, Mauritania, Philippines, Tajikistan) - Facilitating collaboration between government, civil society, media, academic and UN stakeholders (Cote d'Ivoire, Kenya, Philippines, Tajikistan) - Strengthening civil registration and civil status documentation (Cote d'Ivoire)

of working evolve, a continued corporate prioritization of statelessness is required. Better configuration and use of systems for reporting on statelessness-related results would help UNHCR monitor its own performance during this period of transition and allow for greater transparency and accountability.

Aspects of UNHCR's institutional culture including the perceived primacy of the refugee mandate, concerns about jeopardizing access and relationships in politically sensitive situations, and a short-term emergency mindset have negatively affected UNHCR's ability to meet the campaign's objectives for ending statelessness in some contexts where statelessness is a severe problem.

UNHCR has been particularly successful in implementing initiatives to address the legal and administrative causes of statelessness, which align with its institutional strengths. There are other key drivers of statelessness, however, including political, social and economic aspects, which need to be more consciously and robustly addressed. Similarly, the broader socio-economic impacts of statelessness, such as exclusion from schools, legal employment and social welfare, and the suffering that they cause, need to be more holistically recognized and addressed.

While UNHCR has played a critical and central role in highlighting and championing the situation of stateless persons, public advocacy has emerged as a gap, particularly at a global level. Furthermore, the organization has not responded to all of the drivers and impacts of statelessness, nor should it. Collaboration has been critical to the progress made so far on statelessness and UNHCR has successfully mobilized a wide range of stakeholders at different levels. Overall, however, there is not a strong enough sense of shared responsibility. UNHCR could do more to bring a diverse set of international, regional and national actors together to collectively mobilize for change, including harnessing the contributions of stateless persons directly. In particular, UNHCR should invest more in maximizing the potential for UN system-wide collaboration on statelessness.

The foundations are in place for scaling-up UNHCR and partner action to reduce statelessness, but success will require a dedicated, creative and sustained approach to overcoming the remaining challenges. The organization needs to find a way to work across divisions to elevate its work on statelessness and capacitate staff at all levels to contribute. Similarly, it will need to leverage the mandates and capacities of partners to create a stronger coalition – sharing the responsibility for preventing and ending statelessness. This comes at a time when funding and staffing are constrained, and difficult choices are already being made about how to prioritize limited resources in response to growing needs. Continued investments will be needed, however, as well as a careful look at existing commitments to maximize their potential for positive change. The reputational risk for UNHCR of not delivering against its commitments and mandate on statelessness are high. The remaining years of the Campaign are an opportunity UNHCR and its partners cannot afford to miss – both in terms of holding stakeholders to account for the commitments already made and generating new momentum for a collective effort to prevent and end statelessness beyond 2024.

Recommendations

As noted throughout this evaluation, UNHCR cannot act alone to end statelessness. It can however devote renewed energy, linked to a whole of society approach, to engage and mobilize stateless people and actors from all sectors of society, at global, regional, national levels.

1 Strengthen UNHCR's integrated global cross-divisional leadership of the campaign in its remaining years and improve prioritization of activities to address statelessness at all levels of the organization, including clear direction from the High Commissioner to Regional Directors to give higher priority to statelessness.

2 Invest in building the statelessness-related knowledge and skills of UNHCR staff and affiliates, including upskilling of Country Representatives' knowledge about, and comfort in engaging on, aspects of statelessness, and ensure surge capacity mechanisms are available to fill temporary gaps.

3 Enhance organizational capacity and tools for public advocacy on statelessness, including dedicated communications staff at headquarters, Regional Bureau, and in priority countries. Prioritize public advocacy and building public awareness in operational contexts where it can influence changes in policy and practice.

4 For the remainder of the campaign, UNHCR should invest in shifting from fragmented bilateral partnerships towards building a lasting multi-stakeholder coalition to end statelessness, with shared ownership and responsibilities, that is replicable at regional and national levels, to carry the statelessness agenda forward after 2024.

5 Assess the feasibility of targeted resource mobilization efforts for statelessness, while simultaneously elevating prioritization of statelessness in internal resource allocation processes, to ensure sufficient resources for statelessness work. Jointly develop options for financing the statelessness work of UNHCR and its partners in the coalition that follows the campaign.

6 Integrate statelessness context considerations into the new multi-year operations planning process and situation analysis tools.

7 Integrate consideration of statelessness in broader development and human rights initiatives and mechanisms to address the broader fundamental discriminatory and exclusionary drivers of statelessness and to strengthen national systems for better collecting data on stateless people.