



**20 WORLD CONFERENCE  
24 ON STATELESSNESS**  
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# STATELESSNESS IN THE MIDDLE EAST AND NORTH AFRICA (SWANA/MENA)

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**CAUSES, IMPACTS, CHALLENGES, AND CALL TO ACTION**

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# REGIONAL AND GLOBAL CRISES

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- Article I of the 1954 Convention Relating to the Status of Stateless Persons - a stateless person is 'a person who is not considered as a national by any State under the operation of its law'
- Statelessness is an acute problem in West and Central Africa, Eastern Europe, and the Middle East and North Africa (SWANA)
- While scores of states assert that they have no stateless persons, statelessness is often overlooked or not identified in developed countries and no region in the world is without stateless persons.
- According to the UNHCR, as of 2022, there are 4.4 million officially stateless people, and people of undetermined nationality

# REGIONAL AND GLOBAL CRISES

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- These numbers are likely grossly under-reported, the real number thought to be least 10 million. Reporting statelessness is complex, individuals are often “invisible”

For example, according to UNHCR’s Refugee Data app, there are...

- 200,000 in Kuwait
- 93,000 in the Russian Federation
- 70,000 in Saudi Arabia
- 67,000 in Uganda
- 36,000 in Ukraine
- over 25,000 in Uzbekistan...
- amongst many other states with over 2 thousand stateless persons

# STATELESSNESS IN SWANA

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- Statelessness has been an issue across the region since the origins of its modern nation-state systems, and after Second World War
- Regional Distribution:
  - I. Largest populations of stateless persons in are found in Western Sahara, Libya, Palestine, Syria, Lebanon, Iraq, Saudi Arabia, Kuwait, Bahrain, Qatar, and the United Arab Emirates.
  - II. Conflict and instability, often rooted in longstanding forms of discrimination causes and perpetuates statelessness

# PRINCIPAL CAUSES OF STATELESSNESS

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- Statelessness in the region can and does occur as a result of state oversight or bureaucratic flaws or inefficiency, but it is generally the result of discrimination and/or deliberate, discriminatory and exclusionary policies
- Legal causes of statelessness in SWANA:
  - I. Gender discrimination (24 countries do not allow women to confer nationality to their children, 45 do not allow women to confer nationality if their spouse is a non-citizen)
  - II. State failure confirm citizenship as a result of restrictive nationality laws rooted in discrimination (often due to ethnic, religious, and sectarian discrimination)
  - III. State Revocation of citizenship has become more common especially since regional unrest in early 2011, viz Bahrain
- In all cases, Individuals may not know they are stateless until they are required to formally engage with state administration, such as, hospitalisation, official employment, applying for a passport, etc..

# SYSTEMIC CAUSES OF STATELESSNESS IN SWANA

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- I. Discriminatory and restrictive laws, in relation to gender, conferral of nationality rights, ethnic origin, religion, and status or intersectional factors;
  - II. State failure or effective refusal to register birth or grant birth certificates
  - III. Being born of stateless parents;
  - IV. Displacement arising from forms of conflict, ethnosectarian, boundary changes, and the impact of 16.2 internally displaced persons (IDPs) in the region at the end of 2022. According to UNCHR, SWANA contains 23% of of the world's IDPs
  - V. Geopolitics / authoritarianism, including a continuation of colonial-era legislative, administrative and judicial practice that provide for the arbitrary stripping of citizenship on vaguely framed provisions relating to 'national security'.
- Intersectional considerations: for example, such as in a Gulf state, a married male stripped of citizenship will tend to have stateless children as the female cannot confer citizenship.

# IMPACT OF STATELESSNESS ON PEOPLE AND COMMUNITIES

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- Statelessness as deprivation of the right to rights
  - I. Restriction on or exclusion from access to state-provided education, healthcare, financial services, ownership and suffrage, resulting in immiseration, impoverishment and a tendency towards cyclically worsening vulnerability
  - II. Restricted access to justice on the same basis as citizens, resulting in arbitrary or summary justice, possibly including indefinite detention without the right to challenge the detention order;
  - III. Recognition as a legal 'person', with rights, but beyond that, the status of having rights; and
  - IV. Emergence of mass, intergenerational statelessness, constituting wholesale degradation of civil and political; economic, social and cultural rights; exacerbating socio-political pressure.

# IMPACT OF STATELESSNESS (CONTINUED)

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- Economic marginalisation:
  - I. Lack of gainful employment opportunities, inability to own property and forms of discrimination create cycles of poverty, limiting legal and political capacities
- Psychosocial strain/damage to mental health:
  - I. Stateless individuals frequently suffer from depression, PTSD and mental illnesses
  - II. Poverty, sometimes paired cultural norms, prevents treatment for mental illnesses, often resulting in further marginalisation as well as self-destructive behaviours (individuals are often at high risk of self-harm and suicide)





# COMMUNITY RESILIENCE

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- Poverty and shared trauma often create interdependence among stateless individuals in their communities
- Stateless communities are often tight-knit and communalist (sharing resources for mutual benefit, prioritising common, group well-being)
- This can be a strength and a weakness:
  - I. Communities can rely on each other for support, but stateless asylum seekers on their own can become extremely isolated and are risk of mental health issues
  - II. Stateless individuals often intermarry in these communities, meaning their children are also stateless

# CHALLENGES ADDRESSING STATELESSNESS IN SWANA

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- Lack of data:
  - I. Because many SWANA countries do not want to recognise stateless communities, record-keeping can be poor
  - II. Mistrust from stateless communities can also inhibit data collection
  - III. Without accurate numbers or full scope, effective interventions are inhibited

# CHALLENGES ADDRESSING STATELESSNESS (CONTINUED)

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- Legal and political complexities:
  - I. Stateless individuals often lack paper needed for “proving” their identity in the legal sense
  - II. Differing national laws and international agreements pose significant challenge addressing statelessness
  - III. Statelessness not recognised as a protected legal status in SWANA, no formal mechanisms to recognise someone as stateless
  - IV. Often few or no effective state referrals that can be made help stateless individuals
- Vulnerable populations:
  - I. Marginalised and often displaced, stateless persons are at heightened risk and require targeted support and protection

# GRASSROOTS ACTION

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- In absence of state mediation, stateless groups have turned to activism and mass mobilisation, Examples:
  - I. The **MENA** Statelessness Network (**Hawiati**) brings together actors working on, and interested in addressing, statelessness in the Middle East and North Africa (MENA).
  - II. **Lebanon**, Fronters Rights **Ruwad**
  - III. **Libya**, the Tuareg people, who are excluded from citizenship, formed the **No to Discrimination and Tuareg Tribes movements**, which are campaigning for inclusion through legal reform
  - IV. The **Kuwaiti Bidoon** are working with international institutions and NGOs to increase awareness of their stateless status in Kuwait. They have worked with **Salam DHR** to launch the **AnaKuwaiti**, (“I am Kuwaiti”) campaign
  - V. **SALAM DHR** launched **AnaBahraini** (“I am Bahraini”) campaign on nationality revocation in **Bahrain**

# A CALL TO ACTION

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- While SWANA states have undertaken reforms to close gaps and to resolve statelessness, renewed attention is now needed to eradicate the problem
- Conflict and displacement are creating new risks of statelessness. Family members are separated, documents are lost, buildings where civil registration documents are stored are damaged or destroyed, civil systems can break down

# CURRENT ACTIONS AND PROGRESS

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- Governments, civil society, communities, UNHCR and others established multi-sectoral responses to ensure all children are born with a legal identity and a nationality
  - I. Progress notable in steps countries are taking to document and register every child born in their territory, and growing number of states that are reforming nationality laws to expand rights of women and children
  - II. Measures complemented by ongoing work of governments, civil society experts, communities and UNHCR to reform nationality laws to prevent and reduce statelessness
- Despite progress, significant challenges remain in addressing the risks and challenges, including deprivation of nationality

# IMMEDIATE ACTIONS NEEDED

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- **To prevent and reduce statelessness in SWANA, including in relation to the crises currently affecting the region, UNHCR recommends the following actions:**
  1. Resolve existing major situations of statelessness
  2. Ensure that no child is born stateless
  3. Remove gender discrimination from nationality laws
  4. Prevent denial, loss or deprivation of nationality on discriminatory grounds
  5. Prevent statelessness in cases of State succession
  6. Grant protection status to stateless migrants and facilitate their naturalization
  7. Ensure birth registration for the prevention of statelessness
  8. Issue nationality documentation to those with entitlement to it
  9. Accede to the UN Statelessness Conventions
  10. Improve quantitative and qualitative data on stateless populations

# LONGTERM REGIONAL ACTION

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## Recognition

We must work collectively to highlight the importance of recognizing stateless individuals and communities as rights-bearing members of society.

## Empowerment

Work to empower stateless individuals by providing access to legal identity, education, healthcare, and opportunities for full participation in society.

## Global Commitment

Encourage global collaboration and commitment to addressing statelessness, acknowledging it as a collective responsibility.



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THANK YOU

