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STATELESSNESS AND NATIONALITY: A COMPREHENSIVE ANALYSIS OF A CORE HUMAN RIGHTS ISSUE

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Abstract

This paper analyzes the evolution of statelessness from a technical legal anomaly to a central human rights issue. It traces the historical treatment of stateless persons, from their initial neglect in international law to the establishment of the 1954 and 1961 Conventions and the subsequent expansion of the UNHCR's mandate. The report meticulously details the multifaceted causes of statelessness including state succession, legal conflicts, and discriminatory practices and explores its profound socio-economic, political, and psychological consequences on individuals and communities. Drawing on a rich body of jurisprudence, it demonstrates how human rights courts have constrained state discretion in matters of nationality. It concludes by highlighting the persistent challenges posed by regressive legislative trends, such as the weaponization of citizenship through anti-terrorism laws, and underscores the urgent need for a renewed, holistic, and interdisciplinary approach to secure the right to a nationality for all.

Introduction

Statelessness, a condition in which an individual is not considered a national by any state under the operation of its law,¹ has long presented a profound challenge to the international community. For much of the 20th century, the plight of stateless persons was largely overshadowed by the international focus on refugees, despite the historical reality that "refugees and stateless persons once walked hand in hand".² A seminal analysis by Guy Goodwin-Gill over two decades ago observed that statelessness was widely perceived as a "mere 'technical problem'," lacking the political salience of other human rights issues.³

¹ Convention Relating to the Status of Stateless Persons art. 1, Sept. 28, 1954, 360 U.N.T.S. 117.

² Guy S. Goodwin-Gill, *The Rights of Refugees and Stateless Persons*, in *Human Rights Perspective and Challenges (in 1990 and Beyond)* 378, 389 (K.P. Saksena ed., 1994), *quoted in* Michelle Foster & H el ene Lambert, *Statelessness as a Human Rights Issue: A Concept Whose Time Has Come*, 28 Int'l J. Refugee L. 564, 564 (2016).

³ Goodwin-Gill, *supra* note 2, at 390.

However, he posited that statelessness was "indeed a broad human rights issue, even as it retains a distinct technical dimension,"⁴ a challenge he set for the international community to re-evaluate and address.

This paper's central argument is that while significant progress has been made in reconceptualizing statelessness as a fundamental human rights challenge,⁵ persistent legal gaps, institutional limitations, and regressive legislative trends, particularly those related to national security, continue to pose significant obstacles to its eradication. The evolution of international law, the expanding role of key institutions like the UNHCR, and the growing body of human rights jurisprudence demonstrate a clear shift toward a more substantive approach to nationality rights. However, the path to a world free of statelessness is still a "work in progress". The following analysis will first establish the foundational concepts and legal frameworks of statelessness. It will then delve into the diverse drivers and causes of the issue, from historical events to contemporary challenges. Subsequently, the paper will explore the devastating human consequences of statelessness, highlighting its profound impact on individuals' lives and communities. Finally, it will detail the international response to date, including the evolving mandate of the UNHCR and the role of human rights jurisprudence, before offering a conclusion on the path forward.

Literature Review

After a long history of neglect and being relegated to a niche legal field, statelessness research has "arrived" as a recognized area of both academic and policy-oriented study.⁶ For many years, the field was the sole domain of academics and legal scholars, focusing on the technical analysis and interpretation of nationality laws.⁷ However, a key shift in the field, heralded by scholars like Guy Goodwin-Gill, was the reconceptualization of statelessness not as a mere legal anomaly, but as a profound human rights issue.⁸

Recent research has embraced a rich, interdisciplinary approach that seeks to understand the lived reality of stateless individuals. Researchers now draw on insights from social sciences,

⁴ *Id.*

⁵ *supra* note 2

⁶ Mark Manly & Laura van Waas, *The State of Statelessness Research: A Human Rights Imperative*, 19 *Tilburg L. Rev.* 3, 3-4 (2014)

⁷ *Id.* at 5

⁸ Michelle Foster & Hélène Lambert, *Statelessness as a Human Rights Issue: A Concept Whose Time Has Come*, 28 *Int'l J. Refugee L.* 564, 564-65 (2016) (discussing Guy S. Goodwin-Gill's seminal 1994 contribution)

anthropology, political science, and psychology to explore why this form of "extreme exclusion" persists and what its true impact is on individuals and communities.⁹ This new research paradigm emphasizes the need to understand statelessness "from the inside" by starting with the firsthand experiences of those affected.

The maturation of the field is also marked by the emergence of robust research partnerships and institutional support. Scholars now actively engage with UN institutions, government policymakers, and civil society organizations to ground their work in real-world challenges.¹⁰ This collaboration is vital for shaping policy and contributing to jurisprudence. Key initiatives have been launched to foster this cooperative environment, including the Global Forum on Statelessness, which aims to build a network of scholars and practitioners, and the UNHCR Award for Statelessness Research, which promotes new research in the field.¹¹ Furthermore, new institutions such as the Peter McMullin Centre on Statelessness at Melbourne Law School and the peer-reviewed journal, *The Statelessness and Citizenship Review*, have been established to advance interdisciplinary knowledge and facilitate the exchange of ideas among scholars.¹² This collective effort signals a comprehensive shift towards a holistic, collaborative, and human-centered research agenda.

The Foundations of Statelessness

1.1 Defining Statelessness: Legal and Conceptual Frameworks

A person is stateless if they are "not considered as a national by any State under the operation of its law".¹³ This definition, considered a part of customary international law, forms the cornerstone of the international legal framework.¹⁴ The term distinguishes between *de jure* statelessness, where a person is legally unrecognized as a citizen, and *de facto* statelessness, where a person is not effectively recognized as a citizen even if they may have a legal claim under a state's laws.¹⁵

However, the phenomenon of statelessness extends far beyond this narrow legal definition. As

⁹ Manly & van Waas, *supra* note 1, at 5-6

¹⁰ *Id.* at 7-9

¹¹ *Id.* at 9-10

¹² See generally Michiel Hoornick, *Addressing Statelessness through the International Convention on the Elimination of All Forms*

¹³ Convention Relating to the Status of Stateless Persons art. 1(1), Sept. 28, 1954, 360 U.N.T.S. 117.

¹⁴ Michelle Foster & Hélène Lambert, *Statelessness as a Human Rights Issue: A Concept Whose Time Has Come*, 28 Int'l J. Refugee L. 564, 566 (2016).

¹⁵ See generally Mike Sanderson, *Statelessness and Mass Expulsion in Sudan: A Reassessment of the International Law*, 12 Nw. U. J. Int'l Hum. Rts. 74, 87 (2014)

noted by Manly and van Waas, while nationality is a legal concept, statelessness is also a "human condition" that can be devastating.¹⁶ The absence of the legal bond of nationality affects a person's legal status and their ability to exercise basic rights. Individuals who have lived this reality describe a constant "sense of worthlessness" because of their lack of identity, and an invisible existence. This situation can trap people in poverty and exclusion, or compel them to flee their homes and countries. The deep psychological and social harm inherent in this condition demonstrates why the study of statelessness has matured from a purely legal analysis to an interdisciplinary field that incorporates insights from anthropology, social sciences, and psychology. The formal legal definition, while essential, is but the starting point for understanding a crisis that fundamentally strips a person of their dignity and humanity.

1.2 The International Legal Architecture: The 1954 and 1961 Conventions

The international legal framework for statelessness is built upon two foundational conventions. The 1954 Convention relating to the Status of Stateless Persons was established to "regulate and improve the status" of stateless individuals by setting forth a series of rights to which they are entitled. The Convention mirrors the structure of the 1951 Refugee Convention, but with notable and consequential omissions, such as the lack of a prohibition against *refoulement* and penalization for illegal entry. This has led to the legal conclusion that stateless persons who also qualify as refugees should be protected under the Refugee Convention, as it offers a superior standard of protection.

Following this, the 1961 Convention on the Reduction of Statelessness was drafted to "reduce statelessness by international agreement".¹⁷ Unlike its predecessor, it places a positive obligation on states to grant nationality in specific cases, particularly to children who would otherwise be stateless and who were born on the territory of the state, based on the principle of *jus soli*. It also addresses nationality issues for foundlings and those born on aircraft or ships. While a critical tool for prevention, the 1961 Convention does not establish a universal, general right for every individual to acquire a nationality.

The historical consignment of the statelessness regime to a separate, and ultimately weaker, legal framework has created a persistent and problematic institutional schism. The initial intention to draft a single convention for both refugees and stateless persons was abandoned,

¹⁶ Mark Manly & Laura van Waas, *The State of Statelessness Research: A Human Rights Imperative*, 19 *Tilburg L. Rev.* 3, 5 (2014)

¹⁷ Michelle Foster & Hélène Lambert, *Statelessness as a Human Rights Issue: A Concept Whose Time Has Come*, 28 *Int'l J. Refugee L.* 564, 566 (2016)

leading to two distinct bodies of law.¹⁸ The lasting effect of this separation is a fragmented and less comprehensive protection regime for stateless persons, which continues to be a challenge. For example, recent initiatives have focused "solely on non-refugee stateless persons," potentially overlooking the protection needs of stateless refugees.¹⁹ This historical and structural deficiency underscores that despite progress in recent years, the international framework remains an incomplete project, requiring further harmonization and institutional alignment.

1.3 The Right to a Nationality as a Human Right

The right to a nationality is a fundamental human right, enshrined in international instruments. Article 15 of the Universal Declaration of Human Rights explicitly states that "Everyone has the right to a nationality" and that "No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality".²⁰ This core principle is reinforced in a wide range of human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

The UN Human Rights Council has repeatedly affirmed that the arbitrary deprivation of nationality, especially on discriminatory grounds,²¹ constitutes a violation of human rights and fundamental freedoms. In a profound sense, nationality provides legal existence and is a gateway to the enjoyment of numerous other rights, including civil, political, economic, and social rights. Therefore, to deprive a person of their nationality is tantamount to "legal assassination," as it strips them of state protection and relegates them to a precarious existence, often without access to the rights that citizens take for granted.²² This understanding of nationality as a prerequisite for the full enjoyment of human rights demonstrates the international community's shift towards viewing statelessness as a primary concern of human rights law.

¹⁸ *Id.* at 571.

¹⁹ *Id.* at 566–67

²⁰ Universal Declaration of Human Rights art. 15, G.A. Res. 217A (III), U.N. Doc. A/810 (Dec. 10, 1948), *quoted in* Foster & Lambert, *supra* note 1, at 577.

²¹ *See generally* Veronica Aragon, *Statelessness and the Right to Nationality*, 19 Sw. J. Int'l L. 341, 346 (2013)

²² Jeffrey L. Blackman, *State Successions and Statelessness: The Emerging Right to an Effective Nationality under International Law*, 19 Mich. J. Int'l L. 1141, 1148 (1998)

The Drivers and Causes of Statelessness

2.1 Systemic and Historical Causes

Statelessness is often the result of systemic and historical events that disrupt the legal bond between individuals and states.²³ One of the most significant of these is state succession, where new states emerge from the dissolution of existing ones.²⁴ When a sovereign state ceases to exist, its nationality is extinguished, and the successor state must determine who will be its new nationals.²⁵ Historically, this process has left millions of people stateless, as seen with the dissolution of the Soviet Union in 1991. In some cases, legal principles like the "clean slate" doctrine have absolved new states of a clear legal duty to grant nationality to former residents.²⁶ Another systemic cause is a conflict of nationality laws between two or more countries.²⁷ This can occur when a child is born in a country that applies the principle of *jus soli* (nationality by birth on the territory), but their parents' country of origin only applies *jus sanguinis* (nationality by descent) and does not allow for nationality to be passed on to a child born abroad.²⁸ A lack of birth registration or civil documentation, while not a direct cause of statelessness, is a significant risk factor, as it makes it difficult for individuals to prove their link to a state.²⁹ The lack of proper documentation and civil registry systems can also exacerbate the problem of statelessness created by other causes.³⁰

While these are often framed as technical legal issues, they are often symptoms of deeper political and social issues.³¹ For example, a closer look at statelessness following the dissolution of the Soviet Union reveals that millions were excluded from citizenship not just by administrative deadlines but also by discriminatory policies based on ethnicity. Similarly, the technical problem of conflicting *jus soli* and *jus sanguinis* laws takes on a different dimension when applied to complex family arrangements.³² For example, in the context of international surrogacy, the lack of harmonized legal parentage laws across jurisdictions can leave a child in a legal void. The conflict of laws is a mere symptom; the real cause is the failure

²³ Jeffrey L. Blackman, *State Successions and Statelessness: The Emerging Right to an Effective Nationality under International Law*, 19 Mich. J. Int'l L. 1141, 1147 (1998)

²⁴ *Id.* at 1141-42

²⁵ *Id.* at 1152

²⁶ Michiel Hoornick, *Addressing Statelessness through the International Convention on the Elimination of All Forms of Racial Discrimination ('ICERD')*, 2 Statelessness & Citizenship Rev. 222, 231-32 (2020)

²⁷ Jyothi Kanics, *Preventing and Addressing Statelessness: In the Context of International Surrogacy Arrangements*, 19 Tilburg L. Rev. 117, 118 (2014)

²⁸ Blackman, *supra* note 1, at 1172 n.109.

²⁹ Hoornick, *supra* note 4, at 244

³⁰ Kanics, *supra* note 27, at 119-20.

³¹ *Id.* at 119.

³² *Id.* at 118-20

of states to recognize a child's legal parentage, leaving the child without a pathway to nationality.

2.2 Discrimination as a Primary Cause

The most significant and widespread cause of statelessness is discrimination, which can be based on race, ethnicity, religion, language, or gender.³³ States may use discriminatory laws to deny or deprive specific groups of their nationality, a practice that leads to protracted, large-scale statelessness.³⁴ The Rohingya from Myanmar are a prominent case study, as the 1982 Citizenship Law effectively deprived them of their nationality by refusing to recognize their ethnic group as one of the national groups entitled to citizenship. This discriminatory denial has forced nearly a million Rohingya to flee Myanmar and left them without legal protection. A particularly pervasive form of discrimination is found in nationality laws that prevent mothers from passing on their nationality to their children on an equal basis with fathers. Found in over two dozen countries,³⁵ these laws can render children stateless if the father is unknown, deceased, or unwilling to take the necessary steps to transmit his nationality. This form of discrimination not only violates a woman's right to equality but also puts the next generation at risk of a lifetime of exclusion. The persistence of these laws, despite growing international consensus against them, highlights the deep-seated nature of discrimination as a driver of statelessness.

2.3 Contemporary and Emerging Challenges

In addition to historical and discriminatory causes, contemporary challenges continue to arise, threatening to reverse the progress made in recent decades. International surrogacy arrangements are a clear and emerging example.³⁶ The practice of "surrogacy tourism," where prospective parents travel to countries with permissive laws, can leave a child stateless when their home country refuses to recognize their legal parentage upon return, often citing a conflict of laws or the illegality of the practice.³⁷ The child, unable to acquire nationality from their place of birth or their parents' country, is left without a state to call their own.

A particularly dangerous and regressive trend is the use of citizenship stripping as a counter-

³³ Michiel Hoornick, *Addressing Statelessness through the International Convention on the Elimination of All Forms of Racial Discrimination ('ICERD')*

³⁴ Statelessness & Citizenship Rev. 222, 222-23 (2020)

³⁵ *Id.* at 228, 247

³⁶ Jyothi Kanics, *Preventing and Addressing Statelessness: In the Context of International Surrogacy Arrangements*, 19 *Tilburg L. Rev.* 117, 117-19 (2014)

³⁷ *Id.* at 119-20

terrorism measure. In jurisdictions like the United Kingdom, Canada, and Australia, governments have enacted or proposed legislation that allows for the revocation of citizenship from individuals, particularly dual nationals, on grounds of "conduct seriously prejudicial to the vital interests of the State". While international law provides for narrow exceptions to the prohibition on statelessness, the use of these laws to strip citizenship is often disproportionate and lacks sufficient judicial or procedural safeguards.

This weaponization of citizenship represents a dangerous and regressive trend that directly contradicts the historical progress of making statelessness a human rights issue.³⁸ The reliance on a narrow exception in international law shows that states are not ignoring their obligations entirely but are instead using loopholes to engage in practices that undermine the spirit of the law. This signifies that the progress towards a human rights framework for statelessness is fragile and subject to reversal under political pressure, showing that the "work is still in progress". The practice is often an administrative measure, which may be implemented without any criminal charges or convictions, raising significant questions of due process and procedural safeguards.

The Human Impact: Consequences and Vulnerabilities

3.1 Socio-Economic and Cultural Consequences

Without citizenship, stateless people are routinely denied the fundamental rights and services that are taken for granted by citizens.³⁹ This denial has profound socio-economic consequences, as it creates a cycle of poverty and marginalization that is difficult to escape. Stateless individuals are often unable to legally access education, formal employment, healthcare, and housing. The lack of a legal identity often bars them from sitting for formal exams, opening a bank account, or even renting property.⁴⁰

Forced into the "secondary labour market," stateless persons are at a heightened risk of exploitation, abuse, and trafficking due to their lack of legal protection. This situation not only devastates individual lives but also impedes development on a broader scale.⁴¹ Entire stateless communities, such as the Kuwaiti Bidoon or the Hill Tribes of Thailand, can be neglected by development initiatives, creating a significant lag in progress and wasting human potential.

³⁸ Mark Manly, *UNHCR's Mandate and Activities to Address Statelessness in Europe*, 14 Eur. J. Migration & L. 261, 277 (2012)

³⁹ Ibrahim J. Wani, *International Migration and Human Rights*, 16 Afr. Y.B. Int'l L. 197, 210 (2008)

⁴⁰ Mark Manly & Laura van Waas, *The State of Statelessness Research: A Human Rights Imperative*, 19 Tilburg L. Rev. 3, 5-6 (2014)

⁴¹ Michiel Hoornick, *Addressing Statelessness through the International Convention on the Elimination of All Forms of Racial Discrimination ('ICERD')*, 2 Statelessness & Citizenship Rev. 222, 237 (2020)

This dynamic transforms statelessness from a mere human rights problem into a critical development challenge.

3.2 Psychological and Dignitary Harm

The consequences of statelessness extend beyond the material and into the psychological and social spheres, leaving a profound and lasting legacy. As one stateless person put it, the condition brings a constant "sense of worthlessness".⁴² This is because nationality is a core component of a person's social identity, and its absence can lead to major mental health impacts, including issues with self-esteem and social inclusion.⁴³ Without a legal identity, stateless individuals are "often excluded from cradle to grave," being denied a birth certificate, marriage license, and even a death certificate upon passing.⁴⁴ This makes them feel invisible to both governments and society. Statelessness also strains personal and familial relationships, as individuals and governments struggle to deal with its consequences. The resulting lack of legal and social protection can also expose individuals to discrimination, exploitation, and abuse. This chain of events from lack of documentation to the denial of rights, resulting in poverty and psychological harm creates a self-perpetuating cycle of marginalization that legal remedies alone cannot fully address. The enduring harm demonstrates that even if a stateless person eventually acquires citizenship, the psychological and social scars may remain, as the experience leaves a "lasting legacy" on individuals and their families.⁴⁵ This complexity underscores the need for interdisciplinary solutions that go beyond legal reforms to include social support, psychological services, and economic inclusion programs to break the cycle of disadvantage.

The International Response and the Path Forward

4.1 The Evolving Mandate and Role of UNHCR

The international community's response to statelessness has been a concerted, though delayed, effort. For many years, the UNHCR's role in addressing statelessness was limited to stateless refugees.⁴⁶ In a significant shift, the UN General Assembly formally expanded the UNHCR's mandate in 1995 to include a statutory function to address all stateless persons. This expansion

⁴² Mark Manly & Laura van Waas, *The State of Statelessness Research: A Human Rights Imperative*, 19 *Tilburg L. Rev.* 3, 4-5 (2014)

⁴³ *Id.* at 5 n.9

⁴⁴ Veronica Aragon, *Statelessness and the Right to Nationality*, 19 *Sw. J. Int'l L.* 341, 346 (2013)

⁴⁵ Ibrahim J. Wani, *International Migration and Human Rights*, 16 *Afr. Y.B. Int'l L.* 197, 199 (2008)

⁴⁶ Michelle Foster & Hélène Lambert, *Statelessness as a Human Rights Issue: A Concept Whose Time Has Come*, 28 *Int'l J. Refugee L.* 564, 569 (2016).

transformed the agency's role from a limited, reactive one to a proactive one focused on identification⁴⁷, prevention, and reduction of statelessness, as well as the protection of stateless persons.

A key initiative resulting from this expanded mandate is the Global Action Plan to End Statelessness by 2024, launched by the UNHCR in 2014. This plan outlines ten specific actions, including:

1. Resolving existing major situations of statelessness.
2. Ensuring no child is born stateless.
3. Removing gender discrimination from nationality laws.
4. Preventing discriminatory deprivation of nationality.
5. Ensuring birth registration for the prevention of statelessness.

This institutional push has led to significant progress. Since 2011, there has been an exponential increase in the number of states acceding to the 1954 and 1961 Conventions, with almost half of the total number of parties to the 1961 Convention acceding in just the last few years.⁴⁸ The UNHCR has also spearheaded "mapping" initiatives with partners to improve the quantitative and qualitative data on stateless populations, as a prerequisite for crafting effective response strategies.

4.2 The Role of Jurisprudence and Legal Scholarship

The field of international jurisprudence has played a crucial role in constraining the traditional discretion of states in matters of nationality. The Inter-American Court of Human Rights has delivered landmark decisions that have affirmed the right to nationality and established clear obligations for states.⁴⁹ In *Ivcher Bronstein v. Peru*, the court ruled that the arbitrary annulment of a person's nationality constituted a violation of the right to nationality and other rights, as it was used to suppress freedom of expression. Similarly, in *Yean and Bosico v. Dominican Republic*, the court found that the discriminatory denial of birth certificates to children of Haitian descent was a violation of the prohibition on racial discrimination, affirming that states have a positive obligation to prevent and reduce statelessness.⁵⁰ In *Modise v. Botswana*, the African Commission on Human and Peoples' Rights found that the repeated expulsion of an

⁴⁷ *id.* at 569-71

⁴⁸ Mark Manly & Laura van Waas, *The State of Statelessness Research: A Human Rights Imperative*, 19 *Tilburg L. Rev.* 3, 8 (2014)

⁴⁹ Michelle Foster & Hélène Lambert, *Statelessness as a Human Rights Issue: A Concept Whose Time Has Come*, 28 *Int'l J. Refugee L.* 564, 579 (2016).

⁵⁰ *Sw. J. Int'l L.* 341, 347-48 (2013)

individual without the right to enter another state constituted inhuman or degrading treatment. These cases are complemented by the evolving application of human rights principles to nationality. The Human Rights Committee has extended the "right to return to one's own country" (ICCPR, Article 12(4)) to include individuals who have "special ties or claims" to a country, such as long-term residents. This represents a substantive, rather than purely formal, approach to nationality that resonates with Goodwin-Gill's innovative argument about the principle of "effective nationality".⁵¹ Originating in the *Nottebohm Case* to assess a "genuine connection" for diplomatic protection, this principle has been extended by human rights bodies to protect long-term residents, including stateless persons, from deportation, signifying that the right to remain is not always contingent on formal citizenship.

4.3 The Imperative of Interdisciplinary Research and Collaboration

The progress in addressing statelessness is inextricably linked to the maturation of statelessness research itself. As noted by Manly and van Waas, the field has evolved from being the "sole domain of academics" into a rich, interdisciplinary area of study. The study of statelessness is now enhanced by direct engagement with UN institutions, government policymakers, and civil society organizations.⁵² This collaborative model, which includes a focus on "human rights monitoring" and "advocacy-oriented research," ensures that academic work is grounded in real-world challenges and can contribute to the development of policy and jurisprudence.

Key initiatives such as the Global Forum on Statelessness and the UNHCR Award for Statelessness Research are designed to build a network of scholars and practitioners to share research, methodologies, and findings. This coordinated, collaborative approach is essential for a field that has long been neglected. It ensures that the complex causes and devastating consequences of statelessness—from the administrative challenges of civil registration to the psychological impacts on identity—are addressed from all angles.

Conclusion

Statelessness is no longer seen as a niche legal issue but as a core human rights challenge with devastating consequences. The journey from its initial neglect in international law to its current recognition as a "human rights imperative" has been marked by significant progress in legal

⁵¹ Jeffrey L. Blackman, *State Successions and Statelessness: The Emerging Right to an Effective Nationality under International Law*, 19 Mich. J. Int'l L. 1141, 1155-56 (1998)

⁵² Mark Manly & Laura van Waas, *The State of Statelessness Research: A Human Rights Imperative*, 19 Tilburg L. Rev. 3, 6, 9 (2014)

frameworks, institutional advocacy, and the development of jurisprudence. The 1954 and 1961 Conventions, while limited, have provided a foundation for the protection and prevention of statelessness, and their ratification has surged due to the concerted efforts of the UNHCR. Landmark rulings from human rights courts have demonstrated that states' traditional discretion over nationality is not absolute and must be exercised in accordance with principles of non-discrimination and proportionality.

Despite these achievements, the path to eradication is still fraught with challenges. The enduring nature of discrimination, conflicts of law, and the emergence of new, complex causes like international surrogacy and citizenship stripping demonstrate the fragility of the human rights framework in the face of political and social pressures. The rise of counter-terrorism laws that strip citizenship represents a particularly dangerous trend, as it undermines the core principle that no one should be rendered stateless. This indicates that the work of ending statelessness is a "work in progress".

To complete this work, the international community must move beyond a piecemeal approach and embrace a comprehensive strategy. The following recommendations are essential for the path forward:

- **Establish Domestic Procedures:** States that have not yet done so must establish clear, accessible, and non-discriminatory domestic statelessness determination procedures to identify and protect stateless persons.
- **Reform Discriminatory Laws:** Nationality laws that discriminate on the basis of gender, race, or ethnicity must be reformed to be compliant with international human rights standards.
- **Strengthen Legal Safeguards:** Legislative and administrative safeguards against the arbitrary deprivation of nationality must be strengthened, ensuring that all decisions are subject to effective and independent judicial review.
- **Enhance Data and Research:** Increased support for collaborative, interdisciplinary research and data collection is needed to understand the scope and complexity of statelessness and to inform policy development.

By addressing these core areas, the international community can ensure that no person is left behind and that the promise of the right to a nationality is realized for all.