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Statelessness as a Permanent State: Challenges to the Human Security Paradigm

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ABSTRACT

Statelessness is a long-overlooked and yet pervasive phenomenon that has shaped the post-independence history of states across the Global South. As a legal concept, it describes the absence of a recognized link between an individual and a legal entity authorized to grant nationality and citizenship. This paper examines the historical trajectory of the creation of "stateless peoples" to ascertain national boundaries and the transfer of wealth and possessions from targeted ethno-religious groups to others in select post-colonial/post-imperial states. It asserts that the current statelessness paradigm has ahistorical aspects and overlooks the long tradition of ethnic cleansing in many parts of the Global South. It also argues that the creation of a national citizenry which befits a dominant political and economic project of governance and post-independence sovereignty often requires the normalization of statelessness as an interim solution.

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Introduction

This paper provides insights into the existing tools, including human rights law and refugee law, that international legal regimes use to govern statelessness, and it posits that the existing legal framework does not adequately apply to the case of statelessness in post-colonial/post-imperial states across the Global South. Statelessness currently affects an estimated 10 to 12 million people globally,[1] and it occurs for a variety of reasons, the majority of which are related to forced migration;[2] these include structural discrimination against minority groups, state secession, and succession-producing mass displacement, as well as inadequate and conflicting domestic legislation concerning annexed territories or war zones. Suffice it to say that the current international legal framework concerning refugee protection is undermined by several shortcomings, and some of these directly affect the acknowledgement and treatment of stateless peoples.[3] The two United Nations treaties specifically devoted to this enduring phenomenon, namely the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, are poorly ratified by states and hardly any endorsement mechanisms are in place.[4] Processes for producing and then reintegrating stateless people are not routinely made use of in international case law.[5] In this paper, I propose that other norms predominantly found in domestic public law govern state behaviour regarding statelessness. The resulting amalgam of an eclectic set of norms does not constitute a comprehensive regime.[6] At best, one can propose a tentative frame of reference for statelessness with a view to identifying the most common practices.

All parties engaged in efforts to tackle the multifaceted challenges of statelessness need to be aware of the limitations created by available international and domestic legal frameworks, and a historical perspective on the issue is also vital. Statelessness must be examined as a detrimental condition whereby an individual is not considered a legal subject in any jurisprudence and is therefore particularly vulnerable in terms of their life, safety, and security.[7] I would argue that, in the context of post-independence states across

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[1] See Forced Migration Current Awareness, "Stateless People", https://fm-cab.blogspot.com.tr/p/stateless-people.html (Accessed 17 April 2018). For an earlier and much higher estimate, see UNHCR Ireland, "Q&A: The World's 15 Million Stateless People Need Help", https://www.unhcr.org/en-ie/news/latest/2007/5/464dca3c4/qa-worlds-15-million-stateless-people-need-help.html (Accessed 17 April 2018).

[2] See Black, R., "Fifty Years of Refugee Studies".

[3] See Agier, M., *On the Margins of the World*.

[4] See UN "Convention Relating to the Stateless Persons", 1954, https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf (Accessed 17 April 2018), and UNHCR, "Convention on the Reduction of Statelessness", 1961, http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3ae6b39620 (Accessed 17 April 2018).

[5] See Manly, "The Spirit of Geneva" and Massey, "UNHCR and *De Facto* Statelessness", http://www.unhcr.org/4bc2ddeb9.html (Accessed 17 April 2018).

[6] For the nature of the existing legal regime on statelessness, see the following UN documents: UNHCR, "Final Report Concerning the Questionnaire on Statelessness Pursuant to the Agenda for Protection", http://www.unhcr.org/protect/PROTECTION/4047002e4.pdf (Accessed 17 April 2019) and UNHCR, *Progress Report on Statelessness*. EC/60/SC/CRP.10.

[7] See, inter alia, Batchelor, "Statelessness and the Problem of Resolving Nationality Status"; Batchelor, C "Transforming International Legal Principles into National Law"; Lynch, "Lives on Hold", http://www.reliefweb.int/rw/lib.nsf/db900SID/LHON-69MDDZ?OpenDocument (Accessed 17 April 2018); and Sokoloff, "Denial of Citizenship", http://ochaonline.un.org/ochalinkclick.aspx?link=ocha&docid=1003253 (Accessed 17 April 2018).

the Global South, statelessness has become a permanent aspect of regional politics, one that casts a long shadow over both the politics of citizenship and refugee protection; this is despite the fact that nationality is neither the only legal bond between a state and an individual nor the only harbinger of rights.[8]

In this context, it is essential to revisit the edifice of human security. The concept of human security, as a paradigm that affects the discourse and practices of various academic disciplines, gained traction shortly after the publication of the United Nations' 1994 *Human Development Report.*[9] However, numerous conflicting definitions and agendas have emerged since then, which have led to widespread scepticism about its merits and applicability.[10] The 2003 Ogata-Sen Commission report *Human Security Now* proposed a redefinition of the concept and its policy agenda;[11] yet, in both documents, concerns with freedoms, a focus on basic needs, and concern for key aspects of human development hinge on individuals having a state and a nationality. Unfortunately, the paradigm's almost exclusive focus on individuals' lives and its insistence on basic rights for all categorically exclude individuals and people who do not have the legal right to reside within the borders of a state's territory. Its explanatory agenda is state-centric and stresses the nexus between freedom from want and indignity and freedom from fear solely in terms of state-society relations defined in a world whereby denizens, precarious labourers, asylum seekers, non-status people, and stateless people presumably do not exist. Although the paradigm shows consistency in aligning the discourses of human security, human needs, and human rights, its mobilization of attention and concern is limited by the state as a "boundary project", a fact often cited in the literature on nationalism. In the following pages, I focus on one particular category of legal subjects who possess neither effective nor ineffective nationality and make the case that, without their inclusion in the traditional human security paradigm, the concept itself is in danger of becoming hollow.

In search of a country to call home?: legal versus political realities

The United Nations High Commission on Refugees, along with other non-governmental organizations, recently started to evaluate the outcome of legislative attempts to reduce statelessness at a global level,[12] and yet these bureaucratic measures fail to take into account the fact that the production of stateless people has long provided states with a quick-fix solution to minority problems; it has also allowed for the convenient creation of new classes who have been granted land and property confiscated from recently expelled populations with no right of return.[13] When a host of policy-driven and often state-sponsored acts have created stateless peoples and form an integral part of this picture, it is

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[8] See Sassen, "The repositioning of citizenship" and Ong, "Mutations in citizenship".

[9] UNDP "Human Development Report 1994", http://hdr.undp.org/sites/default/files/reports/255/hdr_1994 _en_complete_nostats.pdf (Accessed 17 April 2018).

[10] See Harvard Human Security Project, "Definitions of Human Security", 2002, http://www.hsph. harvard.edu/hpcr/events/hsworkshop/list_definitions.pdf (Accessed 17 April 2018).

[11] See United Nations, "Ogota", http://www.un.org/dpi/ngosection/annualconfs/56/ogata.pdf (Accessed 17 April 2018).

[12] UNHCR, "Special Report: Ending Statelessness in 10 Years", http://www.unhcr.org/stateless-people.html (Accessed 17 April 2018).

[13] See van Waas, L. (2008) *Nationality Matters: Statelessness Under International Law* and van Waas, L. et al., "Statelessness", *Security and Human Rights*, p.133-146.

short-sighted to an alarming degree to seek help from the very states which spearheaded the problem in the first place. These ad hoc observations will provide valuable lessons for those who are drafting legislation that seeks to reduce existing stateless populations, as well as for legal scholars studying the phenomenon. However, a detailed examination of the experience of Middle Eastern states will be more fruitful in helping interested parties to understand the strategies employed by the very states that are implicated in the upheaval of the people in question.

Statelessness is a problem with severe social, economic, and political consequences. It is particularly acute in the post-colonial and post-imperial contexts of new state creation. When this is borne in mind, it is not all that surprising that, during the last sixty years, dispossession and denationalization have been the twin policies used to deal with unwanted peoples across the Middle East. In so many respects, the non-citizen stateless person is the new "other" of populist nationalisms in the region. In popular discourse, political pronouncements, and academic research, discussion of this category of people has often been subsumed under the subjects of immigration or refugeehood.[14] In other words, statelessness has been largely ignored as a unique category of non-citizenship.[15] Simply looking at who is let in and what naturalization procedures should be extended to them does not absolve our responsibility to examine who has been on the inside but then forced out and who suffers from continued exclusion.

Current studies on statelessness concentrate on the need for legislation to exist in receiving states and on the need to relax and tailor documentation requirements for speedy naturalization. Steps such as these can lead to reduced fees and removal of administrative burdens to naturalization, reduced residency requirements, or moves to unconditionally naturalize those born within a state's borders, and they can also lead to the waiving of language and knowledge requirements. However, little has been said about the total removal of the right of return or the gains made by the state from which the stateless peoples emerged in the first place. By and large, stateless populations exist at the fringes of society as legal ghosts for decades, and they remain among the world's most vulnerable people. They lack effective nationality, and thus cannot avail themselves of the legal protections of any state. Neither are they covered by conventions that seek to support refugees, even in cases where states are signatories to those conventions, have provided adequate ratification of relevant conventions, or have accepted the involvement of the UNHCR. Stateless people often suffer severe economic, political, and social hardships and are at heightened risk for trafficking. Their plight is made more precarious as the human rights NGOs and INGOs can document very little information about their numbers and location or the circumstances facing them, especially if they reside in hiding in countries neighbouring their point of origin. As a result, they have thus far received substantially less attention than refugees and internally displaced persons.[16]

While the world at large remains largely silent concerning the creation and perpetuation of statelessness, individual states have enacted tailor-made legislation to address at least

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[14] See, inter alia, S. Benhabib, *The Rights of Others*; L. Bosniak, *The Citizens and the Alien;* and Belton, "The Neglected Non-citizen".

[15] See E. Haddad, *The Refugee in International Society*.

[16] See Weissbrodt, et al., "The Human Rights of Stateless Persons".

some of the complex issues presented by these populations and the devastating consequences that arise from their protracted predicament. In other words, responsibility for confronting statelessness and its consequences is not a matter that falls under the purview of international law alone. Indeed, studies of forced migration have been advancing arguments concerning existing international instruments with an eye, not just to reducing global numbers of stateless peoples, but also to addressing their own immediate and mid-term needs. The UNHCR, on the other hand, has been steadily engaged in critical legislative and policy debates evaluating the effectiveness of past and current attempts to reduce statelessness. For the last decade, they have been recommending frameworks that address specific legislative provisions, administrative protections, and awareness-raising activities that will hopefully be critical to the success of legislation that leads to the eradication of statelessness.[17] And yet, scholarship seems to remain ten paces behind the very states that actually produce stateless populations.

We always respond ex post facto, trying to understand what has taken place to produce masses of stateless people. This is partly due to the fact that there are at least three important limitations that affect frameworks for addressing statelessness. Firstly, they pertain almost exclusively to legislation designed to reduce statelessness through mass naturalization and nationalization programmes; as such, they fail to address the protection or prevention of future cases of statelessness. Secondly, the overall legal/policy framework is essentially incomplete. Reliable data and reports on the outcomes of legislation designed to reduce statelessness do not and cannot take into account populations on the move or in hiding. Thirdly and lastly, our current efforts are often imprisoned within the state-centric approach to forced migration and displacement-induced human suffering, and so avoid using a regional or indeed global lens. This paper hopes to begin a new kind of conversation and to encourage scholarly debate that situates statelessness, not as a symptom to be remedied, but as a structural problem of statehood in the post-1945 world order. Statelessness is not a matter caused by a variety of defects in national and international law, rather it is a result of the wilful actions of states and societies that deliberately produce dispossessed masses. It is not something that happens as a *deus ex machina*. It is true that conflicts of citizenship law, inadequate administrative infrastructures, state succession, forced and induced migration, laws that adversely affect women and children, and systemic discrimination are a part of the problem, but they are rarely if ever the cause. Legislation to reduce statelessness as well as scholarship on statelessness will need to address these defects, with a clear understanding that, on its own, no legislation would suffice to "cure" this problem.

Definitional conundrums: de jure versus de facto statelessness and beyond

In the legal literature pertaining to the subject there are two types of statelessness: de jure and de facto. Historically, states have had the absolute right to define who is a citizen of

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[17] See UNHCR (2009b), "States Parties to the 1954 Convention Relating to the Status of Stateless Persons", http://www.unhcr.org/3bbb0abc7.html (Accessed 17 April 2018); UNHCR (2009c). "States Parties to the 1961 Convention on the Reduction of Statelessness", http://www.unhcr.org/3bbb24d54.html (Accessed 17 April 2018); UNHCR, *Who is Stateless and Where?*, http://www.unhcr.org/pages/49c3646c15e.html (Accessed 17 April 2018); and UNHCR and the Interparliamentary Union, "Nationality and Statelessness", http://www.unhcr.org/protect/PROTECTION/436774c62.pdf (Accessed 17 April 2018).

their state, and those who supposedly fall through the cracks in the maze of citizenship laws are labeled de jure stateless. According to Article 1 of the 1954 Convention Relating to the Status of Stateless Persons (1954 Convention), a person is de jure stateless if that person is "not considered as a national by any [s]tate under the operation of its law". As such, a person is declared stateless if he or she is not recognized as a citizen of any state. The question that is not addressed here is by whom this declaration is made. De facto statelessness, on the other hand, is posited in contrast to de jure statelessness and eludes a precise definition. As such, international law has not clarified the issue. Even the expansive scope of the 1961 Convention on the Reduction of Statelessness makes reference to "persons who are stateless de facto" only to note that they should be treated as stateless de jure to the extent possible. The Convention does not define the term de facto. Beyond this, reference to de facto stateless persons is absent from international legal instruments. This comes as no surprise due to the nature of the beast: in almost all cases excluding warfare, stateless peoples are created by states themselves.

If this is the case, how do we deal with de facto statelessness? The term has traditionally been couched in terms of ineffective nationality.[18] These individuals are categorized as citizens of a state, or possess a legally meritorious claim to citizenship, but they are unable or, for valid reasons, unwilling to avail themselves of the protections of that very state. Valid reasons for not availing oneself of one's citizenship can include ongoing civil disorder, fear of persecution, and inability to return to the homeland in cases of exodus and exile. As such, de facto stateless persons include those who have a nationality but do not or cannot enjoy the rights of their nationality; those who are unable to document their nationality; and those who, as a result of state succession or division, habitually reside in a state other than their original state of citizenship. In other words, while a de jure stateless person lacks legal nationality, a de facto stateless person lacks meaningful or practical nationality.[19] In the meantime, both groups face similar social, economic, and political consequences as a result of their status as stateless people. As a final note, it is true that statelessness can result from oversight as well as deliberate state action. In order to craft a solution that corrects its effects, it is thus deemed critical to understand how it occurred in the first place; however, this instrumentalist approach is still blinded towards the use of stateless populations and the politics of dispossession either as a nation-building strategy or as a forced mechanism for the redistribution of land and resources.

The intricate logic involved in creating a stateless person

The international patchwork of mismatched nationality laws creates ample opportunities for creating a stateless person. A person could be rendered stateless when the national legislation of two countries differs such that the individual is left without a legal claim to citizenship in either country. If a person is born in State A, which only recognizes citizenship by descent (*jus sanguinis*), but has parents who are citizens of State B, which only recognizes citizenship by place of birth (*jus soli*), the child will have no claim to

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[18] On the difference between effective and ineffective nationality and how these principles play a role in the context of forced migration, see Kneebone, "The Rights of Strangers". For an inclusive reading of nationality that challenges the legal renditions of the term, see Bosniak, "Citizenship Denationalized", 447.

[19] On the issue of legal nationality and human rights violations connection, see Jack Donnelly, *International Human Rights.*

citizenship in State A because his or her parents are nationals of State B.[20] The child will also not have claim to citizenship in State B because she was born in State A. The risk of conflicting laws resulting in statelessness is magnified by the fact that nationality laws are often very rigid and hard to change.[21]

More subtle conflicts between nationality laws also result in forms of statelessness. Often, in the aftermath of forced migration, the hosting state's nationality law requires a citizen to renounce his or her citizenship before acquiring, or being guaranteed the acquisition of, a new nationality. In many instances, nationality laws purposefully fail to take into account the possibility of return or dual citizenship during the nationalization process. An interesting example is Vietnam where many women were rendered stateless after they married foreigners and were required to renounce their Vietnamese citizenship prior to obtaining citizenship in their spouse's country.[22] Many of these marriages dissolved before the women in question were able to secure citizenship in their spouse's country, and this impasse created thousands of stateless brides in the aftermath of America's war with Vietnam. Once rendered stateless, people remain so, often because they cannot navigate, access, or afford the burdensome administrative processes for (re)obtaining citizenship. Excessive fees, narrow deadlines, and demanding documentation requirements create real obstacles to the ending of the dubious status of being stateless. Similarly, poorly functioning or purposefully dysfunctional birth registration systems leave many without any evidence of their place of birth or parentage. For those who lack meaningful access to birth registration systems, it is impossible to provide the documents needed to prove citizenship or to acquire a new one. Children are thus rendered stateless through failed systems of registration, even though they may have been born in the "right" state or to the "right" parents. A child who is not registered lacks the official and visible evidence that a state legally recognizes his or her existence as a member of society. Suffice to say that these obstacles to registration tend to result from the marginalization of specific populations in the national polity.

Then, there is the class of stateless peoples whose citizenship has been revoked by their home state.[23] At times when crises develop in relation to minority rights, or when there is traffic back and forth across a border, states resort to revoking citizenship if an individual resides abroad for a certain period of time. The amount of time involved varies from a few months to many years, and revocation can affect both natural-born and naturalized citizens. Historically speaking, home countries intent on resolving a minority problem through revocation of citizenship do not notify individuals that they risk losing their citizenship when moving abroad.[24] In addition to laws that revoke citizenship based on time spent away from the state, citizenship can be automatically revoked when an

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[20] For a critical debate on children rendered stateless, see Bhabha, "From Citizen to Migrant".
[21] See Blitz et al., "Statelessness and the Deprivation of Nationality" and Kelly Staples, *Retheorising Statelessness.*
22 See Druss, "Foreign Marriages in the Military; Kim, "Asian Wives of U.S. Servicemen" and Saenz et al., "In Search of Asian War Brides".
[23] The Rohignya Muslims in Burma/Myanmar provide a classic example of this type of statelessness. See Ullah, "Rohingya Refugees to Bangladesh" and Canefe, "Rohingya Refugee Crisis and Ethno-Religious Conflict in South Asia".
[24] The revocation of Macedonian ethnicity for Greek citizens is a case in point. See Hill, "Macedonians in Greece and Albania".

individual behaves in a way that is deemed inconsistent with their loyalty to the state, if, for example, they pledge a formal oath of allegiance to a foreign state, voluntarily serve in the armed forces of a foreign state, or, under certain circumstances, carry out acts that are equated with treason.

In Burma, for example, the Burmese military junta rendered as many as two million former Burmese citizens stateless after they fled Burma for Thailand.[25] Burma's citizenship law provides that any citizen leaving the country permanently ceases to be a citizen, and reports indicate that the Burmese government deemed individuals who left without government approval to have left the country permanently, stripping them of their citizenship. These revocations are permanent as Article 22 of Burma's Citizenship Law prevents former citizens from reapplying for citizenship. Globally speaking, this is a common strategy used by states with authoritarian tendencies to rid themselves of opposition.

Historically, another major factor leading to the creation of masses of stateless people is the dissolution of existing states and the transfer of territory from one state to another. When a state dissolves, when a colony becomes independent, or when a successor state wholly or partially succeeds a predecessor state, there may be groups of individuals or communities who are affirmatively rejected in the formation process of the successor state. There may also be a mass exodus of peoples who no longer belong to the dissolved state, a phenomenon which creates de facto statelessness. Similarly, when a state arbitrarily or discriminatorily denies or revokes an individual's citizenship having categorized them on the basis of ethnicity, race, language, or religion, the result is that whole groups are rendered stateless without recourse. Furthermore, this form of elimination from citizenship is not limited to explicit provisions of national legislation. It could and often does occur at the administrative level when the documents required as proof of citizenship become inaccessible to stateless persons, or when there is no meaningful avenue for appeal of the revocation. In tandem, national legislation may explicitly foreclose the possibility of becoming a citizen if the individual belongs to a certain ethnic-religious group. In other words, statelessness may occur when seemingly neutral laws are applied in a discriminatory manner or when a state unjustifiably places onerous administrative obligations on some, but not all, individuals.

Finally in the MENA (Middle East and North Africa) region, many states have withdrawn the citizenship of large groups of minorities in a single act during or after the declaration of their independence.[26] This is a particularly devastating variation on the discriminatory revocation of citizenship that historically occurs during times of political restructuring and periods characterized by influential and exclusive nationalist ideologies, regime change, or internal warfare. In contexts like this, individuals, communities, or at times entire populations are at risk of becoming stateless when they voluntarily migrate, are expelled

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[25] See Refugees International Special Report, "Stolen Futures", https://reliefweb.int/report/thailand/stolen-futures-stateless-children-burmese-asylum-seekers (Accessed 17 April 2018).
[26] See the Minorities at Risk Special Report, *Middle East Overview*, http://minorityrights.org/minorities/overview-of-middle-east/ (Accessed 17 April 2018), and the Wilson Center Special Report "The Future of Religious Minorities in the Middle East", https://www.wilsoncenter.org/event/the-future-religious-minorities-the-middle-east (Accessed 17 April 2018).

from their home states, or flee from one state to another. Legal, social, and linguistic barriers keep many migrants from accessing resources that are critical to preventing their children from becoming stateless, particularly when they are unable to access birth registration systems or when parents are on the move. The children of forced migrants are often unable to prove details of parentage and place of birth, particularly in irregular migrant populations that lack access to the formal legal mechanisms which are required to become eligible for citizenship. Overall, across the region, three categories of migrants suffer statelessness more than others. Migrants (forced or voluntary) who lose their citizenship as a result of their migration to a new state without first attaining citizenship are at a heightened risk of becoming stateless. Second, children of migrants who reside in countries that link citizenship solely to parentage are particularly at risk. Third, ethno-religious minorities with brethren in a neighbouring state are directly at risk of becoming stateless should they leave their habitual country of residence.

Statelessness and bare life

The consequences of statelessness are not just severe: they pervade every aspect of a person's life and livelihood.[27] Stateless individuals often cannot own real property or land, face detention because of their stateless status, and are unable to access basic social services such as education and healthcare unless special provisions are made by the hosting state and, even then, gain access only for limited periods of time. However, we must also keep in mind that the protection of stateless individuals is often dealt with on an ad hoc and case-by-case basis. This approach no doubt significantly threatens stateless individuals' civil and political rights or any form of legal protection they may ask for. For instance, in most countries, secondary education is not accessible without proof of citizenship and in some this proviso also includes primary education.[28] Even when education is provided, the surrounding economic and social pressures tend to prevent stateless children from attending school. Similarly, households populated by stateless individuals are often unable to access, or unable to afford, basic healthcare services. In many states, even the right to marry is linked to citizenship, nationality papers, or proof of a legal permit to remain in the country. Stateless people are also precluded from seeking traditional employment or owning property. If they are at all successful in accessing employment, they often encounter dangerous working conditions, sub-standard jobs and precarious pay, in addition to verbal or physical abuse, workplace violence, racism, and other forms of institutionalized discrimination, intimidating workplace environments, and unpaid salaries or benefits. Additionally, stateless individuals typically lack access to formal credit markets and are unable to open bank accounts. The cumulative effect of these hardships produces chronic economic insecurity, which then lends itself to conditions ripe for the exploitation of stateless migrants and refugees.

Finally, these structural vulnerabilities put stateless people at a particular risk for

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[27] The concept of "bare life" has been in circulation since the late 1990s, largely with reference to Giorgio Agamben's work and his formulation of the inhumanity of contemporary border regimes and citizenship practices. See G. Agamben, *Homo Sacer.* See also Edkins et al., "Through the Wire" and, Doty, "Bare Life".

[28] As a recent example, see the discussion on the status of Syrian "stateless" refugee children and their lack of access to education in Turkey by Aydin et al. "The Educational Needs of and Barriers Faced by Syrian Refugee Students in Turkey"; McCarthy, "Politics of Refugee Education" and Uyan-Semerci et al., "Who Cannot Access Education?".

trafficking. This connection has been especially well-documented in the context of the Mediterranean Sea.[29] Since stateless individuals lack a voice in society and cannot enter into a political dialogue either with society at large or with the state within which they reside – and since they cannot assert basic civil and political rights, stand for election, or vote – they are rendered as the new outsiders of citizenship regimes. When considered as a threat, stateless people face unwarranted administrative detention and arrest by authorities, and national laws are generally ill-equipped to deal with their needs pertaining to legal representation or protection.[30] In this context, it is only apt that Hannah Arendt's concept of statelessness, which was developed after the Second World War, is making a comeback in the context of discussions about refugees, asylum-seekers, *sans-papiers*, and, specifically, new generations of stateless peoples.[31] Their current predicament entails the three losses of home (exile), state protection (basic rights), and a place in the world (political rights). Even in the age of transnationalism and globalized mobilities, the application of key principles of human rights as they relate to stateless people, especially the tenets of dignity and non-discrimination and the right to family life, are null and void.

Conclusion

International law, most notably Article 15 of the Universal Declaration of Human Rights (UDHR), establishes an individual's right to a nationality as an absolute right.[32] Article 15 provides that "[e]veryone has the right to a nationality" and that "[n]o one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality".[33] Citizenship and the right to be free from the arbitrary deprivation of citizenship are enshrined as human rights in and of themselves and are considered to be the bedrock of the legal relationship between individuals and states. However, both the scope and content of Article 15 of the UDHR is determined by state's own practices. The proliferation of human rights norms in international and regional instruments has developed substantive limitations on state sovereignty over citizenship regulation; nevertheless, gaps persist in the international legal framework on nationality and are coupled with the intentional stripping of nationality and the deprivation of citizenship by the very states purportedly responsible for individuals' wellbeing. There is also a lack of consensus on statelessness that arises from ineffective citizenship at times of civil war or state collapse,[34] an issue that directly affects people from Iraq and Syria.

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[29] For an overview of the connection between human trafficking and forced migration, see Russell, "Human Trafficking".

[30] The literature on administrative detention has been growing exponentially during the last two decades. Both in the West and the Global South, this is now the most commonly employed practice for the containment and removal of stateless populations. See Batchelor, "Stateless Persons"; Batchelor, "Transforming International Legal Principles into National Law"; and Blitz et al., *Statelessness and the Benefits of Citizenship*, http://www.udhr60.ch/report/statelessness_paper0609.pdf (Accessed 17 April 2018).

[31] For Arendt's conception of statelessness, see Hannah Arendt, *The Origins of Totalitarianism* and Bernstein, "Hannah Arendt on the Stateless".

[32] For the full text of Article 15, see "Claiming Human Rights", http://www.claiming humanrights.org/udhr_article_15.html (Accessed 17 April 2018).

[33] Ibid.

[34] See Adjami, M. et al., "The Scope and Content of Article 15 of the Universal Declaration of Human Rights", and Edwards, A. et al., *Human Security and Non-Citizens.*

Furthermore, despite this normative stance, the international agreements produced subsequent to the UDHR have aimed either to protect existing stateless populations and prevent future cases of statelessness or to reduce current forms of statelessness. Largely prescriptive, they have failed to provide adequate guidance or direction concerning the criminal nature of the acts committed by states in producing scores of stateless people. This is the point at which I would like to return to the human security paradigm and underline the challenges posed by statelessness to some of its main tenets.[35] The most salient and starkly urgent case today is that of Syria. As the civil war progresses, more than half of the country's civilian population have not only become refugees and asylum-seekers, but have been rendered de facto stateless.[36] What would the existing human security debate offer us in terms of a comprehensive review of situations like the Syrian crisis, or the exodus of the Rohingya Muslims, or the mass crimes that affected thousands in Columbia rendering them practically stateless? Such horrifying examples are so numerous, and the processes that create stateless peoples are such a regular feature of the contemporary state system, that the utility of the paradigm in its current form for either research or policy-making purposes is becoming increasingly suspect in crisis situations, which are an essential part of "normality" in the new world order.

Proponents of the human security paradigm habitually situate as its anchor the very states that create, perpetuate, or condone the chronic conditions of violence, abuse, and insecurity the concept ostensibly exists to resolve. Perhaps one possible way out of this bind is to dislocate the conventional understanding that human security can produce "freedom from fear and want". If statelessness is examined as both a permanent state in world politics and as a marker that invites us to consider the false safety net provided by states to their citizens, it could indeed allow us to engage with a genuine practice of rethinking human security, one that would open up its scope both in ontological and epistemological terms.

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[35] See Acharya, "Human Security".
[36] See Crompton, "Could there be No One Left in Syria by 2031?".

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