



Merlyn (left), seen here with her nephew CJ and cousin Adelaiza, harvests mushrooms for a living in Kidapawan City, the Philippines. She was born in the Philippines to Indonesian parents who made her promise to keep her Indonesian identity, a situation that eventually rendered her stateless. Merlyn does not have Filipino citizenship, yet she has no wish to return to Indonesia, where she has no family, no land and no understanding of the language. Merlyn's husband and daughter are also stateless.



3 Stateless Persons

MEASURING STATELESSNESS IS COMPLICATED, as stateless persons often live in precarious situations on the margins of society. Frequently, stateless persons are not only undocumented but also ignored by the authorities and uncounted in national administrative registries and databases. Only a minority of countries have procedures in place for their identification, registration, and documentation. Most stateless persons go uncounted even in population censuses.

However, the identification of stateless persons and clear understanding

of statelessness situations are both essential for States. Such information both allows States to adequately respond to statelessness and enables UNHCR to fulfil its mandate to prevent and reduce statelessness and protect stateless individuals. Quantitative data and qualitative analysis are both needed in order to provide a comprehensive picture of a statelessness situation. These processes should include an assessment of the scale of the situation in terms of magnitude and geographical spread, a profile of the affected populations, analysis of the causes and impacts of statelessness,

and an overview of the obstacles to potential solutions.

This chapter examines the complexity of identifying and enumerating stateless persons, and is divided into two sections. The first section provides an overview of statistics available to UNHCR, including on some of the activities undertaken by the agency to improve its data. The second section provides a critical analysis of the state of statistics on stateless populations, authored by the Institute on Statelessness and Inclusion.

Persons under UNHCR's statelessness mandate

UNHCR's Executive Committee has called on the Office to undertake research 'to promote an increased understanding of the nature and scope of the problem of statelessness'. It has also encouraged States that are in possession of statistics on stateless persons, or on individuals with undetermined nationality, to share them with UNHCR.³⁵ The Office has issued updated guidance to its country offices on the reporting of statistics for populations under its statelessness mandate, reflecting efforts to clarify the definition of a stateless person under Article 1 of the 1954 Convention relating to the Status of Stateless Persons.³⁶

In 2014, UNHCR launched the Campaign to End Statelessness in 10 Years. This strategy is set out in the agency's Global Action Plan,³⁷ which comprises 10 actions through which the goals of the campaign will be achieved. Successful implementation of the plan and achievement of the goals of the campaign will both require improved baseline population data. Indeed, two of the plan's formal actions directly deal with the identification of stateless persons and the improvement of baseline data.

One of these actions seeks to increase the number of States that identify stateless migrants through determination

procedures that lead to a legal status permitting residence and guaranteeing the enjoyment of basic human rights and facilitated naturalization. A second action is the gathering of quantitative and qualitative data on stateless populations. Implementation of the Action

³⁵ UNHCR (2006), *Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons*, 6 October 2006, No. 106 (LVII), available at: <http://www.refworld.org/docid/453497302.html>.

³⁶ UNHCR (2012), *Guidelines on Statelessness No. 1: The definition of 'Stateless Person' in Article 1(1) of the 1954 Convention relating to the Status of Stateless Persons*, 20 February 2012, HCR/GS/12/01, available at: <http://www.refworld.org/docid/4f4371b82.html>.

³⁷ <http://www.unhcr.org/statelessnesscampaign2014/Global-Action-Plan-eng.pdf>.

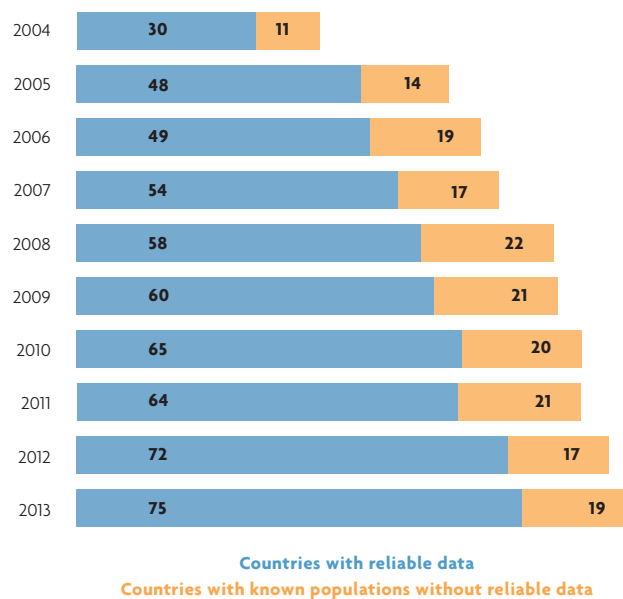
Plan also aims to strengthen civil registration and vital statistics systems, which would likewise contribute to the availability of quantitative and qualitative data.

Recent years have seen a significant increase in awareness of statelessness among governments and NGOs, and within the United Nations. Strong evidence of the greater commitments made by States to address statelessness is provided by the steady increase in the number of States that are party to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Since 2011, 27 States have acceded to one or both of these conventions – in fact, more States have acceded to the 1961 Convention over the last four years than during the four decades following its adoption. Currently, there are 83 States Parties to the 1954 Convention and 61 to the 1961 Convention. This growing commitment also lays the ground for improved identification and gathering of data on statelessness.

Statistics on stateless persons can be gathered using several methods, including analysis of civil registration data, a population census, or a targeted survey.³⁸ The United Nations recommendations on population censuses underscore the importance of including questions related to citizenship, including statelessness.³⁹ Based on census data obtained through the 2010 World Population and Housing Census Programme, data for 10 countries are included in the 2013 statistics. This is a significant increase, given that census data for just two countries were included only three years ago. UNHCR will continue to work with other UN agencies and with civil society partners to achieve further improvements in census data quality and coverage in the coming years, including through the 2020 World Population and Housing Census Programme, for which preparations are now underway.

Fig. 3.1

Number of countries for which statistics on stateless persons were reported | 2004 - 2013



In the migratory context, statelessness determination procedures are essential for the effective identification of stateless persons. The 1954 Convention neither implicitly requires that a procedure be established nor prescribes a particular means for determining statelessness. It does establish standards of treatment of stateless persons, however, and these can be applied by a State Party only if it knows who should receive this treatment. The creation of statelessness determination procedures therefore fulfills the objective and purpose of the 1954 Convention. Evidence shows that establishing statelessness determination procedures does not increase migration by stateless persons to States with such procedures. To provide guidance to relevant actors, including government authorities, UNHCR published a Handbook on Protection of Stateless Persons⁴⁰ in 2014.

Currently, 10 States have statelessness determination mechanisms that lead to a legal status permitting

residence and guaranteeing the enjoyment of basic human rights and facilitated naturalization. Other countries are currently studying the possibility of establishing similar determination procedures. Further, a number of countries already have mechanisms in place to determine statelessness but would need to bring these in line with international standards on the protection of stateless persons. In particular, these mechanisms would need to be linked to the granting of legal status permitting residence, the enjoyment of basic human rights, and facilitated naturalization.

UNHCR's statistics on those under its statelessness mandate mainly comprise stateless persons – that is, persons not considered as nationals by any State under the operation of its law. However, data from some countries also include persons of undetermined nationality. UNHCR's statistics include data only on countries for which reliable official statistics or estimates of stateless populations are available. Despite the increased number of countries engaged in reporting and the enhanced reliability of their figures, UNHCR is unable to provide comprehensive statistics on stateless persons in all countries. A considerable gap remains between the data provided

³⁸ UNHCR (2012), *The State of the World's Refugees: In Search of Solidarity*, Oxford University Press, Oxford, 108–109.

³⁹ United Nations (2008), *Principles and Recommendations for Population and Housing Censuses, Revision 2*, New York, accessible at http://unstats.un.org/unsd/publication/seriesM/seriesm_67Rev2e.pdf.

⁴⁰ <http://www.unhcr.org/53b698ab9.html>.

in the statistics and the estimated global stateless population, which numbers at least 10 million persons. Annex Table 7 includes some countries (marked with an asterisk) for which UNHCR has information about the existence of significant stateless populations but for which no reliable figures were available.

By the end of 2013, statistics on persons falling under UNHCR's statelessness mandate were available for 75 countries, three more than in 2012 [see **Figure 3.1**]. This compared to just

30 countries in 2004, and reflected the efforts of UNHCR's offices to gather better data on statelessness. For 2013, UNHCR's offices reported a figure of almost 3.5 million stateless persons, slightly higher than that reported in 2012 (3.34 million). This increase was due to the clarification of the status of an estimated 210,000 persons in the Dominican Republic, where a Constitutional Court judgment retroactively applied new nationality criteria. In so doing, the court ruled that

many individuals of Haitian descent born in the country since 1929 are not Dominican nationals. As they do not possess any other nationality, they were thus rendered stateless.

Meanwhile, there was limited progress to reduce the number of stateless persons through the acquisition or confirmation of nationality. At least 47,200 stateless persons in 19 countries acquired nationality during 2013, far less than in previous years. ■

Counting the world's stateless: reflections on statistical reporting on statelessness

– by the Institute on Statelessness and Inclusion⁴¹ –

INTRODUCTION

Statelessness is a problem of global proportion and impact. Around the world, millions of people do not enjoy any nationality, leaving a gaping hole in their lives. For many, statelessness brings real hardship, characterized by lack of access to a wide range of rights and services that others take for granted. Statelessness can even be a factor integral to experiences of acute discrimination and persecution, or give rise to sentiments of an identity lost or denied.

Awareness of the human impact of statelessness can offer motivation to address the phenomenon, as a better understanding of the extent and scope of the problem enables a more effective response. As UNHCR's Executive Committee has outlined, gathering data on stateless

populations is important to 'serve as a basis for crafting strategies to address the problem.'⁴² With the launch of the Campaign to End Statelessness in 10 Years,⁴³ this is an opportune time to explore the ins and outs of statistical reporting on statelessness. This section discusses what the data show about the magnitude and reach of statelessness. It also looks more closely at how statistical reporting on statelessness is organized and what gaps need to be considered by States, UNHCR and other UN agencies, and civil society.⁴⁴

STATISTICS ON STATELESSNESS

States hold the primary responsibility for identifying stateless persons in their territory and subject to their jurisdiction. Doing so allows States to implement their

international obligations towards these populations, either under the two UN statelessness conventions or in accordance with the broader body of international human rights law. In the fulfilment of its statelessness mandate, UNHCR's Executive Committee has also tasked the agency with undertaking and sharing research on various aspects of statelessness, including on the scope of the problem. It has also encouraged States to cooperate with UNHCR in this regard.⁴⁵

Other UN agencies, NGOs, and academia also have a role to play in the identification and quantification of situations of statelessness by conducting data collection. Statistics on statelessness are therefore to be found in a diverse array of reports and data sources. Population registries, national censuses, human rights monitoring (by government, UN, or civil society), academic publications, and media reporting on groups affected by statelessness – all may generate information on the scale of the problem. This information is highly dispersed, however, and there have been few exercises in making it readily accessible as a single picture of the scope of statelessness globally.⁴⁶

The most comprehensive compilation of data on stateless populations around the world is that collated and updated by UNHCR. As the UN agency mandated to assist States and other stakeholders

⁴¹ See www.institutestl.org, an independent, non-profit organization established to promote the inclusion of the stateless and the disenfranchised. The views and opinions expressed are those of the ISI and do not necessarily represent the views of the Office of the United Nations High Commissioner for Refugees.

⁴² UNHCR, Executive Committee, *Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons*, No. 106 (LVII), 6 October 2006.

⁴³ See <http://ibelong.unhcr.org/en/home.do>.

⁴⁴ This article is based on and includes extracts from the longer report, *The World's Stateless*, published by the Institute on Statelessness and Inclusion in December 2014 and which contains a more detailed discussion of statelessness statistics across a wide selection of countries.

⁴⁵ See for example, UNHCR, Executive Committee, *Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons*, No. 106 (LVII), 6 October 2006.

⁴⁶ Refugees International published a 'global survey' on statelessness in 2005, with an update issued in 2009, in which data on statelessness from around the world was drawn together in a single overview. It has not undertaken this exercise again since. See Refugees International, *Lives on Hold. The Human Cost of Statelessness*, written by M. Lynch, 2005, available at: <http://www.refintl.org/sites/default/files/LivesonHold.pdf>; and Refugees International, *Nationality Rights for All. A Progress Report and Global Survey on Statelessness*, written by K. Southwick and M. Lynch, 2009, available at http://www.refintl.org/sites/default/files/RI%20Stateless%20Report_FINAL_031109.pdf. The US Department of State's annual Country Reports on Human Rights have a dedicated section on statelessness that often includes data, where available, on the number of stateless persons, but these data are not subsequently compiled in an overview on statelessness around the world.

to address statelessness,⁴⁷ UNHCR first started issuing country-by-country statistics on persons under its statelessness mandate in its *Global Trends* report for 2004.⁴⁸ These data, found in a separate table that has been added to UNHCR's statistical reporting specifically for this purpose,⁴⁹ constitute a central tool in understanding the current state of statelessness statistics worldwide.

METHODOLOGICAL CHALLENGES TO GATHERING DATA ON STATELESSNESS

Statelessness is often an invisible problem, making it a distinctly challenging phenomenon to map. Furthermore, due to inherent complications in quantifying statelessness, the reliability of statistics, even when available, can also be questionable. Here are some of the main difficulties:

DEFINITIONAL ISSUES

The definition of statelessness is not as straightforward as it appears to be. The term 'under the operation of its law' has been authoritatively interpreted as being a question of both fact and law.⁵⁰ Consequently, there are persons who would be eligible for a particular nationality but who are nonetheless stateless because they are not considered as nationals by the competent authorities of the relevant state.⁵¹ It may not be apparent to the individuals concerned or to an outside observer that they are stateless.

On the other hand, some may self-identify as stateless – for instance, because they do not feel connected to their state due to political beliefs or personal sentiments – even though they do hold a nationality. Historic and enduring miscomprehension of the scope and application of the definition of a stateless person also impedes the accurate quantification of statelessness. Moreover, many States do not have a definition of statelessness in their domestic laws, or they maintain a definition or interpretation that diverges from that understood under international law, such that it is not applied uniformly across all jurisdictions.

GAPS IN DATA-COLLECTION TOOLS

In most countries, statelessness is not high on the political agenda. Consequently, state authorities may not deem it

important to put in place measures to identify stateless persons and enhance the accuracy of their figures on statelessness. Of 142 national population censuses undertaken since 2005 for which the United Nations possesses questionnaires, only 112 included a question on nationality. Of these, less than 25 per cent included a pre-coded option for census-takers to record the responses of those who self-identified as stateless.⁵²

The UN Statistics Division of the Department of Economic and Social Affairs (DESA), in the instruments it uses to collect data from States on an annual basis and following a census exercise, also does not request reporting on the number of stateless persons. However, it does ask for data on the number of both refugees and citizens, as well as foreign or non-citizens and persons of unknown citizenship status within a State's territory.⁵³ Furthermore, although UNHCR and other UN agencies frequently carry out registrations of refugees and in some cases internally displaced persons, it is not common for them to register stateless persons.⁵⁴

Thus, it is not merely government data that are incomplete; the UN's own data often do not provide a comprehensive picture of statelessness. Indeed, it may not be advisable for UNHCR to seek to conduct large-scale registration of stateless persons because, in the majority of cases, stateless persons remain in their 'own country'. As such, the ideal solution for them would be to be granted nationality by the State concerned, not recognition and registration as stateless persons.⁵⁵

Even where data-collection exercises include information on statelessness, this does not always yield comprehensive or reliable results. For instance, a 2011 mapping study of statelessness in the United Kingdom identified several methodological flaws in its statelessness data, and found diverging information across different data sets.⁵⁶ Meanwhile, some statelessness-specific data-collection exercises, such as those carried out in recent years in Myanmar and the Philippines, are limited in their scope – i.e. collecting data only in one area of the country or only with respect to one target population affected by statelessness.

Many stateless persons identify with the country of their birth, descent, and

⁴⁷ This is in accordance with successive resolutions adopted by the General Assembly of the United Nations, including UNGA Resolution 50/152 of 9 February 1996 (A/RES/50/152).

⁴⁸ UNHCR, 2004 *Global Refugee Trends*, 17 June 2005, available at: <http://www.unhcr.org/42b283744.html>.

⁴⁹ See Annex Table 7, 'Persons under UNHCR's statelessness mandate'.

⁵⁰ UNHCR, *Handbook on Protection of Stateless Persons*, 30 June 2014, available at: <http://www.refworld.org/docid/53b676aa4.html>.

⁵¹ This is, for instance, the case for otherwise stateless children born in Lebanon who, according to the letter of the law, acquire Lebanese nationality, but this safeguard is not implemented in practice. Frontiers Ruwad Association, *Invisible Citizens: Humiliation and a life in the shadows. A legal and policy study on statelessness in Lebanon*, 2011.

⁵² UNHCR, *Global Action Plan to End Statelessness 2014–2024*, page 24, available at: <http://ibelong.unhcr.org/cms-web/upl/entities/story/FINAL%20Global%20Action%20Plan%20-%20PDF%20Version.pdf>.

⁵³ These instruments can be downloaded here: <http://unstats.un.org/unsd/demographic/products/dyb/dybquest.htm>. See in particular Section 2 of the annual Population Estimates Questionnaire and Table 20 of the Population Census Questionnaire: General Characteristics.

⁵⁴ See, for instance, UNHCR, *The State of the World's Refugees*, 2012, at page 108.

⁵⁵ UNHCR, *Handbook on Protection of Stateless Persons*, 30 June 2014, paragraphs 58–61, available at: <http://www.refworld.org/docid/53b676aa4.html>.

⁵⁶ UNHCR and Asylum Aid, *Mapping Statelessness in the United Kingdom*, November 2011, available at: <http://refworld.org/docid/4ecb6a192.html>.

habitual residence to the extent that they do not see themselves as being stateless. Even if they do, there is often reluctance to draw attention to this, due to the obvious disadvantages associated with statelessness, which can range from bureaucratic difficulties, to barriers to accessing socio-economic rights, to increased vulnerability to arrest and detention. This means that data collection that relies on self-identification, as is often the case in a national population census, may not be entirely accurate. Instead, more sophisticated methods by means of suitable prox-

imate methods can be a very difficult exercise, and that ultimately protection and the reduction of statelessness must be at the heart of all such actions.

WHAT CURRENT STATISTICAL REPORTING ON STATELESSNESS SHOWS

As stated at the outset, statelessness is a problem of global proportions. That is immediately apparent from current statistical reporting on the issue: the total number of persons accounted for in UNHCR's statelessness statistics is about 3.5 million.⁵⁸ Moreover, despite steady im-

IN MOST COUNTRIES, STATELESSNESS IS NOT HIGH ON THE POLITICAL AGENDA. CONSEQUENTLY, STATE AUTHORITIES MAY NOT DEEM IT IMPORTANT TO PUT IN PLACE MEASURES TO IDENTIFY STATELESS PERSONS AND ENHANCE THE ACCURACY OF THEIR FIGURES ON STATELESSNESS.

ies and complementary surveys are needed to achieve better results.

As explained, the categorization of individuals as stateless or otherwise is not always a straightforward exercise. Undocumented persons and those who are of undetermined nationality may be at risk of statelessness and, indeed, some are likely to already be stateless. In a migratory context, a presumption that such persons could be stateless, and giving them the opportunity to be identified as such in line with international guidance, is likely to enhance protection.⁵⁷

When such persons are in their own countries, however, they will almost always receive greater protection if confirmed to be nationals. In such situations, the 'stateless' label can be counter-productive. Consequently, for persons in their own countries it is better to begin with a process that scrutinizes nationality law and policy and their implementation against international standards.

However, even in such situations, where the denial of documentation is long-lasting (even inter-generational), there could come a point when it is better to acknowledge that the person is stateless, rather than leaving him or her in the limbo of having no legal status. These complexities mean that identifying and counting the

improvement in statistical reporting, many situations of statelessness continue to go unreported or are underrepresented in the figures. For instance, 19 countries in this Yearbook are currently marked with an asterisk, signifying the presence of a significant but as yet unquantified stateless population.⁵⁹ Taking this into account, UNHCR estimates the actual total global non-refugee stateless population today to be at least 10 million persons.

A closer look at the country-level data shows that, at the end of 2013, 20 countries reported a figure of over 10,000 stateless persons. The total number of stateless persons counted in this limited set of countries is roughly 3.4 million, or 98 per cent of the number of stateless persons reported in UNHCR statistics globally. Less than 84,000 stateless persons are spread across the remaining 55 countries for which a figure on statelessness is reported. Of the 20 countries that report a figure over 10,000, seven are in Europe, six in Asia and the Pacific, four in the Middle East and North Africa, two in sub-Saharan Africa, and one is in the Americas. Of the additional 19 countries UNHCR has marked with an asterisk, nine are in Asia and the Pacific, six in sub-Saharan Africa, three in the Middle East and North Africa, one is in the Americas, and none are in Europe.

⁵⁷ The process of statelessness status determination in the migration context may also lead to the establishment of nationality – i.e. the person concerned may be found to be a national of country x, resulting in the prevention of statelessness and enjoyment of national protection.

⁵⁸ Data from some countries also include persons of 'undetermined nationality' who may, if nationality verification or statelessness determination were to be carried out, be confirmed as nationals of a particular country rather than found to be stateless.

⁵⁹ In the first set of statistical reporting on statelessness in UNHCR's 2004 *Global Trends* there were 11 countries marked with an asterisk, so this number has increased as new populations affected by statelessness are discovered but continue to elude reliable statistical reporting.

In terms of absolute numbers, most of the persons UNHCR reports as falling within its statelessness mandate can be found in Asia and the Pacific (1.4 million reported). Sub-Saharan Africa and Europe, which come in second and third, respectively, both report approximately half the number of stateless persons found in Asia and the Pacific. The latter also has the highest reported number of countries significantly affected by statelessness. Numerically, statelessness affects the least number of individuals in the Americas (210,000 persons reported), where *jus soli* conferral of nationality to all children born in state territory helps to prevent statelessness from arising or spreading. Statelessness is the most thoroughly mapped in Europe (670,000 persons reported), where UNHCR does not indicate any significant stateless populations for which it does not have a figure.

WHAT CURRENT STATISTICAL REPORTING ON STATELESSNESS DOES NOT SHOW

The data collated by UNHCR on the number of persons exclusively under its statelessness mandate fills in only part of the picture of the global stateless population. The following reflects on some of the gaps and challenges.

UNHCR can now report data – drawn from government, UN, and other sources – on the number of stateless persons in 75 countries. This is a distinct improvement over the state of statelessness statistics a decade ago, when this data covered only 41 countries. Nevertheless, statelessness remains unmapped in over 50 per cent of States. While the problem may not exist on a significant scale in all of these countries, there is no denying that the data remain incomplete and many cases of statelessness do not appear in the statistics.

At a macro level, this problem is mitigated by the extrapolation of an estimate for the actual number of stateless persons globally (i.e. at least 10 million, while just 3.5 million are accounted for in country-level data). At a regional and country level, however, greater effort is needed to fill in the gaps in statistical coverage. The goal set by UNHCR as part of its 10 actions in the Campaign to End Statelessness – of achieving quantitative data coverage for 150 states by 2024 – is therefore a welcome one.⁶⁰

STATISTICS FOR DIFFERENT COUNTRIES ARE COMPILED FROM DIFFERENT DATA SETS USING DIFFERENT METHODOLOGIES

Collecting data on statelessness is the primary responsibility of governments, in order to implement their international obligations. But this work may also be carried out by other actors, either in support of this goal or in the execution of their own work. UNHCR collates this data to offer a global snapshot of the available statistics on statelessness. It has already been noted that gathering data on statelessness is a complex task. The fact that it is shared by different actors, in different places, leads to a variety of approaches, and not all of these are able to deliver the same level of reliability or to produce comparable data.

Some official statistics produced by governments, for instance, do not disaggregate the data such that stateless persons are identified separately from refugees or from persons of unknown nationality. This could lead to both over- and under-reporting on statelessness. For some countries this number includes persons of ‘undetermined nationality’ (e.g. in Sweden), even though not all such individuals will actually be stateless,⁶¹ while in others it does not (e.g. in the Netherlands).⁶²

Some figures may include a number of stateless refugees, even though it is UNHCR’s policy to report such persons only in its refugee statistics.⁶³ This may have taken place because the methodology used to collect the data simply does not account for different types of residence or protection status. Some figures are based on census data, the accuracy and currency of which are affected both by the challenge of relying on self-identification as a means to count stateless persons and by the fact that a census is usually carried out only every 10 years.⁶⁴ Data can become outdated between census exercises, thus potentially failing to reflect newly emerging situations of statelessness as well as efforts to reduce the number of cases through conferral of nationality.

Some statelessness figures are based on a specific data-collection exercise that targets only part of the country or only a specific stateless population within the country. Examples of this include Myanmar, where only stateless Rohingya who were encountered in a survey conducted in three townships in Rakhine state

⁶⁰ UNHCR, Global Action Plan to End Statelessness 2014–2024.

⁶¹ See introductory note of Annex Table 7.

⁶² Around 2,000 persons are registered as stateless in the population registers in the Netherlands, but a further 80,000+ are registered as being of ‘unknown nationality’, in part due to procedural difficulties in establishing statelessness for the purposes of registration. Advisory Committee for Migration Affairs, *No country of one’s own. An Advisory Report on treaty protection for stateless persons in the Netherlands*, December 2013, English summary available at: <http://www.acvz.org/publicaties/summaryREPORT39.pdf>.

⁶³ See further below.

⁶⁴ According to the footnotes in Annex Table 7, several of the figures included in this Yearbook were actually drawn from a 2009 (Azerbaijan), 2010 (Russian Federation and Tajikistan), or 2011 population census (multiple countries, including Croatia, Czech Republic, and Poland).

are included. Excluded from this process, then, are an estimated 500,000 additional stateless Rohingya found elsewhere in the country,⁶⁵ as well as any of the other populations affected by statelessness in Myanmar.⁶⁶ This limitation is acknowledged in a footnote in UNHCR's statelessness statistical table, which points out that the number refers to 'Muslim residents of northern Rakhine State'.

Another example is the Dominican Republic. Here, the number of 210,000 stateless persons accounts for only the first generation of persons of Haitian descent born on Dominican soil who have been left stateless following a Constitutional Court ruling stripping them of nationality. There is no data available on the second and third generations, which have been simultaneously affected and yet are not included in the current statistics.⁶⁷

The methodological difficulties of compiling statelessness data across different countries have led to several situations where the number of stateless persons reported substantially under-represents the true scale of the problem. It is valuable to continue to include such data in UNHCR's overviews of country statistics, even when it only tells a part of the statistical story. It is also helpful that, in many cases, these partial data are noted through the inclusion of a footnote (as for Myanmar). Yet it would be beneficial if such countries were identified consistently, i.e. in all cases, through an explanatory footnote that clearly indicates that only partial data are available.

COUNTRIES WITH KNOWN STATELESSNESS PROBLEMS, BUT NO RELIABLE FIGURE, ARE INDICATED WITH AN ASTERISK IN UNHCR'S STATISTICAL COMPILATIONS

Wherever UNHCR has 'information about stateless persons but no reliable data', these countries are marked with an asterisk (*) in Annex Table 7, which identifies persons under UNHCR's statelessness

mandate. UNHCR has taken this approach since it first started to report country-by-country data on statelessness, and there certainly is an attraction to it.

Usefully, it allows the agency to flag problems of statelessness and identify countries where the response to statelessness perhaps needs to be stepped up, while avoiding the publication of unreliable or unverified data that could give a false impression of the situation. UNHCR presents its statelessness data in the form of a table, without room for more than a footnote's explanation per country. This means that there is no space to discuss the likely range of the stateless population or to comment on whatever estimates may be available for the number affected. So, even if there are some data on the potential magnitude of statelessness within one of the 'asterisk countries', these are – understandably – not included alongside the rest of the global statistics, to avoid misrepresenting the scale of the issue.

The asterisk disappears, however, when the data are transposed from UNHCR's statelessness-specific table to Annex Table 1, in which UNHCR compiles all of the figures for its populations of concern. In the latter table, the asterisks are replaced by dashes (-), indicating that 'the value is zero, not available, or not applicable.' The countries believed to be home to a significant stateless population, then, do not stand out from those states for which no data for or problem of statelessness has been flagged at all. This arrangement should change, to ensure that countries with significant stateless populations are also indicated in the main overview.

What is also of interest with respect to the 'asterisk countries' is just how long a state can remain in this category. Of the 19 countries currently marked with an asterisk in the Yearbook, five were already flagged in this manner in 2004 and 10 in 2005. This shows that the lack of reliable data on statelessness can, itself, be

a protracted and at times political issue. This confirms both the importance of identifying such situations and the fact that it does not make sense to wait to act decisively on statelessness until the problem has been comprehensively mapped. Rather, initiatives to protect stateless persons, and to prevent and reduce statelessness, should continue and be further strengthened while also paying due attention to opportunities to better identify and quantify statelessness.

Looking beyond UNHCR's reporting on statelessness to alternative data sources, it is possible to make at least a small start on filling in some of the gaps in countries that currently have asterisks as placeholders, even if this only means identifying a range of estimates for a given country. For instance, it is evident that statelessness affects tens of thousands of people at least in countries such as Lebanon and Zimbabwe. Estimates for the total stateless population in the former range from 80,000 to 200,000,⁶⁸ in the latter, from 80,000 to 600,000.⁶⁹ While a precise quantification of the problem is not possible on the basis of such widely ranging estimates, this information does show that, collectively, the asterisks in UNHCR's table represent a massive number of stateless persons who are not presently accounted for in global statistics. Looking at these numbers helps to explain why UNHCR has estimated that, despite only accounting for some 3.5 million persons under its statelessness mandate, the total number of stateless persons globally is actually over 10 million.

ONLY PERSONS EXCLUSIVELY UNDER UNHCR'S STATELESSNESS PROTECTION MANDATE ARE REPORTED IN ITS STATELESSNESS STATISTICS

UNHCR has put a separate programming and budget structure in place to operationalize its distinct statelessness mandate. To ensure that data are made available in a way that effectively informs

65 Fortify Rights, *Policies of Persecution: Ending abusive state policies against Rohingya Muslims in Myanmar*, February 2014, available at: http://www.fortifyrights.org/downloads/Policies_of_Persecution_Feb_25_Fortify_Rights.pdf.

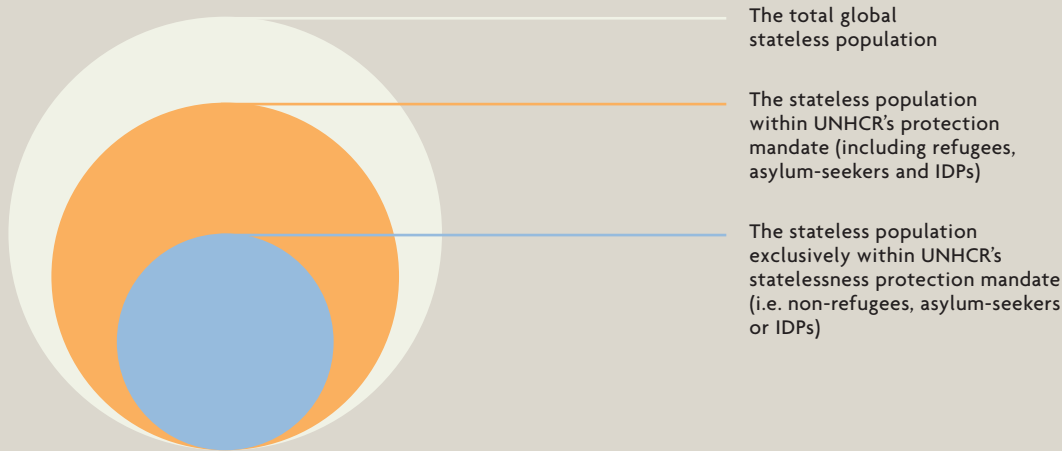
66 See, for instance, IRIN report 'The Forgotten Ghurkhas of Burma', 20 May 2014, available at: <http://www.irrawaddy.org/burma/forgotten-gurkhas-burma.html>; *Report of the High-Level Committee on the Indian Diaspora*, 2001, page 60, available at: <http://www.indiandiaspora.nic.in/diasporapdf/chapter20.pdf>.

67 See United Nations Population Fund, *Primera Encuesta Nacional de Inmigrantes en la República Dominicana* [First National Survey of Immigrants in the Dom. Rep.], available at: http://countryoffice.unfpa.org/dominicanrepublic/2013/05/02/6672/primera_encuesta_nacional_de_inmigrantes_revela_el_volumen_de_la_poblacion_de_origen_extranjero_residente_en_el_pais/. The full report is available at: <http://countryoffice.unfpa.org/dominicanrepublic/drive/ResumenENI-2012II.pdf>.

68 Frontiers Ruwad, *Invisible Citizens: Humiliation and a Life in the Shadows. A Legal and Policy Study on Statelessness in Lebanon*, 2011.

69 Refugees International, *Lives on Hold. The Human Cost of Statelessness* written by M. Lynch, 2005; K. Ridderbos, 'Stateless former form workers in Zimbabwe' in *Forced Migration Review*, 32, 2008, available at: <http://www.fmreview.org/FMRpdfs/FMR32/73.pdf>.

Fig. 3.2 Global stateless population within UNHCR mandates



The total global stateless population

The stateless population within UNHCR's protection mandate (including refugees, asylum-seekers and IDPs)

The stateless population exclusively within UNHCR's statelessness protection mandate (i.e. non-refugees, asylum-seekers or IDPs)

strategies to address statelessness under this part of its mandate, and to avoid double counting of populations of concern, UNHCR's statistical reporting indicates only the number of persons under its statelessness mandate. To reach the total figure for persons of concern to UNHCR, this number is added to those from the other population categories (refugees, asylum-seekers, IDPs, etc.).

Thus, while international law defines a stateless person as anyone who is 'not considered as a national by any state under the operation of its law', in UNHCR's statistical compilation on statelessness, several categories of stateless persons are not counted as stateless. This includes those who also fall within the protection mandates of other agencies of the United Nations (at present, only UNRWA) and those who also come under UNHCR's other protection mandates (such as refugees, asylum-seekers, and to some extent IDPs). Figure 3.2 demonstrates the significance of this approach to the statistical picture on statelessness globally.

Even if UNHCR's statistical reporting were to capture reliable data for all countries, then, it excludes from its statelessness statistics a significant number of persons who are stateless as a matter of international law. While this does not mean that such individuals are not counted somewhere, it does make it difficult to

see the full magnitude and spread of the statelessness phenomenon.

The Rohingya are a good case study to demonstrate the statistical complexities that emerge when one group has multiple protection needs. While according to some estimates there are 1.33 million Rohingya within Myanmar,⁷⁰ another 1–1.5 million Rohingya live outside the country.⁷¹ Of the total global Rohingya population of an estimated more than 2.5 million (of which a significant majority are stateless), only 810,000 are counted as stateless in the UNHCR statistics.⁷² The following groups are not included: Rohingya refugees and asylum-seekers or those in a refugee-like situation who are included in UNHCR refugee statistics, Rohingya in a refugee-like situation who are not included in UNHCR's refugee statistics, and Rohingya asylum-seekers whose registration is still pending.

There is also uncertainty as to whether and how Rohingya IDPs in Myanmar (of whom there are an estimated 140,000) and Rohingya resettled refugees (likely to be a small group due to the lower numbers of resettlement) are represented in the statelessness statistics. And the Rohingya are not the only stateless group that suffers displacement and persecution. There are other significant groups of stateless refugees who are also 'counted' only in UNHCR's refugee statistics.

Looking at stateless groups that fall under the mandates of other UN agencies adds a further massive number of stateless Palestinian refugees, registered by UNRWA, who are also not reflected in UNHCR's statistical reporting as refugees or stateless persons.⁷³

Excluding these other stateless populations from the global statelessness statistics can create confusion with regard to the situation of particular populations, as well as the application of international standards. For example, since the onset of the Syrian crisis, the number of stateless persons reported in the country has dropped from 300,000 at the start of 2011 to 160,000 at the end of 2013. Only part of this reduction is due to

⁷⁰ Fortify Rights, *Policies of Persecution. Ending abusive state policies against Rohingya Muslims in Myanmar*, February 2014, available at: http://www.fortifyrights.org/downloads/Policies_of_Persecution_Feb_25_Fortify_Rights.pdf.

⁷¹ This includes some 31,000 registered Rohingya refugees in Bangladesh and another 37,000 registered in Malaysia, but also an estimated further 300,000–500,000 unregistered Rohingya refugees in Bangladesh according to the Government, a few thousand unregistered in Malaysia and in Thailand, tens of thousands in Pakistan, and hundreds of thousands in Saudi Arabia, as well as more scattered across a number of other countries. See, for instance, the records of a Parliamentary debate in the United Kingdom, answers given by Ian Pearson based on information from UK missions, on 1 February 2006, available at: <http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo060201/text/60201w16.htm>.

⁷² A full account of the challenges with respect to reporting on stateless Rohingya populations is given in the report *The World's Stateless*.

⁷³ See UNRWA in Figures, available at: http://www.unrwa.org/sites/default/files/2014_01_uif_-_english.pdf.

efforts to resolve the situation, namely through the naturalization of a segment of the stateless group on the basis of a specially adopted decree. Some of the decrease in numbers comes as the result of forced displacement prompted by the conflict. A closer look at how the figure has shifted indicates that only around half of those who no longer appear in the statelessness statistics have acquired a

nationality. The others remain stateless, but are now counted only as refugees.

It is important to remember that for them and other groups of stateless refugees, as well as stateless persons of Palestinian origin, their statelessness is still a relevant fact with respect to their treatment under international law. For instance, safeguards on the avoidance of statelessness, such as those found in

the 1961 Convention on the Reduction of Statelessness and the Convention on the Rights of the Child, apply to all situations in which statelessness threatens. UNHCR's mandate to prevent, reduce, and end statelessness extends to stateless refugees, as well. This speaks in favour of finding ways to include all stateless persons in some manner within global statistical reporting.⁷⁴

CONCLUSION

The question of how many stateless persons there are in the world is not an easy one to answer. UNHCR reports at least 10 million persons under its statelessness mandate, of which it has been able to collate country-level statistics from different sources that account for 3.5 million persons. While the Institute on Statelessness and Inclusion confirms that the figure of 3.5 million significantly under-represents the scale of the problem, it found estimates in other sources that would account for an additional approximately 2.5 million stateless persons.

This figure includes, among others, an estimated 81,000 stateless persons in Bhutan, at least 60,000 in India, 80,000–200,000 in Lebanon, over 500,000 currently unreported in Myanmar, 10,000–100,000 in the United Arab Emirates, upwards of 86,000 in Uzbekistan, and 80,000–600,000 in Zimbabwe.⁷⁵ There are also approximately 2.1 million persons of Palestinian origin, who were never displaced from the West Bank or Gaza Strip and whose nationality status remains ambiguous in the absence of Palestinian nationality regulations. This brings the tally of stateless persons who are currently in some way statistically accounted for, or 'visible', to over eight million. The true number of stateless persons is likely to be significantly

higher, due to the data gaps that were identified and could not be filled.

There are several large-scale situations of statelessness that still entirely elude statistical coverage, such as India, Pakistan, and the Democratic Republic of the Congo. Further, it is likely that some of the low-end estimates are too conservative and do not represent the true scale of the problems. It is clear that UNHCR's estimate of 'at least 10 million' persons exclusively under its statelessness protection mandate is well founded. There are also at least 1.5 million stateless refugees and a significant number of Palestinian refugees whose nationality status remains unclear (the majority falling under UNRWA's mandate but some under UNHCR's refugee mandate). When this is all tallied up, there are likely to be millions more stateless persons worldwide today.

Despite the wider desk research, not all statistical gaps were able to be filled. These can only be closed through a holistic approach that invests substantial resources into counting the stateless; training people to do so accurately; conducting new field research and mapping exercises; and improving existing identification, survey, and data-collection methodologies.

This section has highlighted some of the operational and methodological challenges that must be considered in the

context of achieving a more comprehensive statistical picture of statelessness globally. It is important to remember that while the quest for clarity on the magnitude of statelessness is a fascinating, compelling, and useful one, it should not be all-consuming. Having comprehensive and accurate information about who is affected by statelessness, and where, is a means to an end, not an end in itself.

Better data will undoubtedly help in the Global Action Plan to End Statelessness by 2024. But the priority needs to rest firmly with addressing, not just mapping, the issue. Ultimately, any statistical reporting on statelessness serves a wider purpose, increasing our understanding of the extent of the phenomenon. In turn, this allows us to make plans to address statelessness by protecting the stateless, preventing future statelessness, and reducing and ultimately ending all existing statelessness. ●

⁷⁴ For a further discussion of the drawbacks of boxing individuals into just one definitional category or another, see Amal de Chickera, *A stateless person, a refugee and an irregular migrant walk into a bar...* July 2014, available at: <http://www.statelessness.eu/blog/stateless-person-refugee-and-irregular-migrant-walk-bar%E2%80%A6>.

⁷⁵ Note that the overall tally of 2.5 million is based on the lowest-end estimates and does not encompass any populations for which no estimates are available whatsoever. For a full presentation of these statistics, please see the report *The World's Stateless*.