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World's vast ranks of the stateless

By **David Montero** | Correspondent of The Christian Science Monitor

DHAKA, BANGLADESH - Borders have made all the difference in the life of 25-year-old Noor Islam. He was born in Bangladesh, but an invisible line has virtually confined him to Geneva Camp, a squalid enclave in the capital, Dhaka.

Shifting borders dictated this fate. In 1971, when East Pakistan gained independence as Bangladesh, Islam's family and some 300,000 other Urdu-speakers found themselves without a nationality in the new Bengali state.

"In Geneva Camp, we don't have much access to education and jobs," Islam says, adding that citizenship would dramatically transform their lives.

The so-called Stranded Pakistanis are one of the largest and oldest communities of stateless people, a group estimated to number 11 million across the globe. Their predicament deserves more attention, say experts, since national identity is the most fundamental of human rights - indeed, the very right to have rights.

"They are the ultimate forgotten people," says James Goldston, executive director of the Open Society Justice Initiative in New York. The problem persists, he says, in part because nation-states still enjoy broad discretion under international law to grant or deny citizenship as they see fit.

"Even as human rights norms have steadily evolved over the past half-century, the field of citizenship has remained one of the last bastions of untrammelled state sovereignty. As a result, citizenship creates a giant loophole in the international human rights framework," Mr. Goldston writes in an e-mail.

Statelessness is the untold dark side of new nations, including those in the Balkans and the former Soviet Union. To date, nearly 20 percent of the population in Latvia and Estonia are stateless persons, according to one estimate. Thousands of stateless people languish in poor conditions in some of the most politicized and conflict-ridden areas of the world, including Palestine and Iraq.

The reasons for the problem differ from region to region, at times caused by the sweeping succession of states as in the former Soviet Union. The chaos of war often prevents birth registration, a subtle but destructive denial of rights for newborns. In many Middle Eastern states, laws confer citizenship based on patrilineal descent, meaning that those born to women or male non-citizens are denied citizenship of their country of birth.

Despite divergent causes, statelessness exacts a common and extraordinary toll on its victims, depriving them of the basic rights that most citizens take for granted.

Here in Bangladesh, the stateless community is unable to vote or to secure jobs in the

formal economy. Without citizenship, they cannot even obtain legal housing, so most live in 66 camps packed with people and livestock scattered across Bangladesh, including Geneva Camp, built in 1974 by the Red Cross to help assist the new stateless population.

Statelessness stretches back to the collapse of the Ottoman Empire and World War I. International law since World War II has attempted to address the problem, culminating in the 1954 UN Convention relating to the Status of Stateless Persons, and later the 1961 Convention on the Reduction of Statelessness. But since then, only 57 states have become party to the 1954 convention, and just 30 to the 1961 convention. Neither the United States nor Bangladesh, for example, are a party to either convention.

"There's not a lot of pressure on governments to help stateless persons," says Maureen Lynch, director of research at Refugees International in Washington, D.C.

Experts say that international conventions alone, however, cannot address the problem. Resolution comes down to a question of national political will.

"A state could be a signatory to the convention, because that's a matter of the executive, but then the legislature doesn't follow through to conform to the law," says Michael R. Geske, counsel for Arnold & Porter LLP based in Washington, D.C.

To this effect, a recent survey of the parties to the 1954 and 1961 conventions, released this summer by the United Nations High Commissioner for Refugees (UNHCR) revealed that "serious legislative and policy gaps remain, both at the international and the national level.... Many States do not have mechanisms which effectively identify cases of statelessness."

Most states seem either unable or unwilling to address the problem. In Bangladesh, efforts to grant citizenship to the stateless have stalled for 34 years, in part because the community itself is divided, with a minority wishing to repatriate to Pakistan.

"The government does not know how to handle it. No one does. The government has not picked it up. Civil society has not picked it up. These people have been left to fend for themselves," says Chowdhury R. Abrar, head of the Refugee and Migratory Movements Research Unit based in Dhaka.

These are powerful lessons to bear in mind in light of nation-building efforts around the world, particularly Iraq. "For Iraq, it's very clear that Saddam Hussein deprived many people of their nationality - particularly the Kurds," says Philippe Leclerc, UNHCR's senior legal officer for statelessness. "What we would like to see in the negotiations on the constitution is to ensure ... that it is not possible to deprive a person of his or her nationality on grounds linked to religion or other factors."

A number of solutions exist for preventing statelessness, including something as simple yet effective as birth registrations. "Much of statelessness is caused because stateless people cannot prove their citizenship by birth," says Geske.

Most important of all, nation-states cannot rely on the law alone to address the problem, experts say.

"What we're starting to begin is a more comprehensive response to statelessness," says Mr. Leclerc, pointing out that humanitarian aid, political support, awareness raising, and links with development agencies are vital ingredients. The approach, he says, helped win citizenship last year for 190,000 people in Sri Lanka, one of the longest cases of stateless in the world.

Activists and political observers in Bangladesh see signs that similar efforts are bearing

fruit here as well. Public awareness campaigns, coupled with legal action, culminated in the High Court of Bangladesh ruling in 2003 that Noor Islam and others living in the camps are eligible to be placed on the national voting list, which would effectively grant them citizenship rights. The ruling has yet to be taken up by the highest levels of government, but observers read it as a sign that the stateless community here is on the brink of that most elusive of dreams: citizenship.

"The court case has brought a change because it applies to everyone who is living in the camps. If the government has a will, they can resolve this problem," says Ahmed Ilias, executive director of Al-Falah, an organization in Dhaka providing educational support to the stateless community.

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