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Problematizing the Conventions on Statelessness

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Problematizing the Conventions on Statelessness

Formerly man had only a body and soul. Now he needs a passport as well, for without it he will not be treated as a human being.
Stefan Zweig, quoted in UNHCR 2007b 19

Summary

There are currently 79 states party to the 1954 Convention relating to the Status of Stateless Persons, with a further 13 who have pledged accession in the near future.[1] The 1961 Convention on the Reduction of Statelessness, meanwhile, currently has 54 states party, and a further 21 pledges.[2] These

[1] Correct as of 8th November 2013.

[2] Correct as of 8th November 2013.

numbers rose particularly in 2000, and from 2011, following a push by the United Nations High Commissioner for Human Rights (UNHCR). These conventions have arisen alongside the Convention and Protocol relating to Refugees, and yet have had quite a different trajectory. This report traces the history of these conventions and elements of the campaign for accession. It then examines some of the difficulties and conflicts in law and ideology that have arisen as a result of ratification or accession.

1. Defining Statelessness

At its most basic, International Law considers a person to be 'stateless' if they are 'not considered as a national by any State under the operation of its law' (1954 Statelessness Convention Art.1(1)). This *de jure* definition already includes large numbers. In 2012, UNHCR identified 3.34 million stateless persons (not including those refugees and asylum seekers who are also stateless) in 72 countries, estimating from this a global figure of more than 10 million persons (UNHCR 2013 7; the global number of refugees under UNHCR's mandate at the end of 2012 was 10 million). However some argue that this definition is too narrow, excluding those who may officially be citizens of some states, but who are unable to make use of this citizenship, such as trafficked persons who do not have access to their passports and paperwork (Coomaraswamy 1996; Shearer and Opeskin 2012 93; Weissbrodt 2009 84, 95). While the narrow legal definition will form the basis of this report, this *de facto* aspect of statelessness will also be important to consider (e.g. Caballero-Anthony et al. 2013 160).

The 1961 Convention identifies and addresses four main ways in which a person may become stateless:

1. Not obtaining a citizenship (Art. 1, 2, 3, 4, 8, 9);
2. Voluntarily renouncing his or her citizenship (Art. 7);
3. Having his or her citizenship removed (Art. 5, 6); or
4. By extinction of the state (Art. 10).

The first of these will most commonly occur if the child is born to parents (or a father[3]) who are (is) either stateless or have (has) some *jus soli* citizenship, in a state that has *jus sanguinis* citizenship acquisition. The second in the above list may occur even temporarily, for example, if a person renounces his or her citizenship in order to obtain another one (Shearer and Opeskin 2012 105).

[3] This depends on whether the state distinguishes between the gender of parents in terms of citizenship acquisition.

The fourth may also occur when the person is overseas. For example, consider persons from former Soviet countries who were abroad when their state ceased to exist. Such individuals were then trapped without any citizenship, and without prospect of applying for one (UNHCR and OSIJ 2012 13; UNHCR 2007b 10).

The situation is further complicated in the case of women. For example, a recent law change in Viet Nam has stopped the practice of removing a woman's citizenship if she marries a foreigner, which left women stateless, particularly if the marriage had ended in divorce (Caballero-Anthony et al. 2013 161). Other states still bind female citizenship to marital status so that it may be undermined when a married woman divorces or her husband changes his citizenship (Shearer and Opeskin 2012 105; e.g. Manly 2007 24 describes situation in Morocco). Indeed, in 2011, 30 states had citizenship laws that discriminated against women in terms of either personal acquisition of citizenship or passing citizenship to offspring or spouse (UNHCR 2011c). It is important to note that this is prohibited by the 1957 Convention on the Nationality of Married Women and the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (Manly 2007 24) which, as will be seen in Table 4 in Section 4 below, have received many more accessions than the Statelessness Conventions which also make these provisions.

There are also some groups who, for historical reasons, by birth, find themselves without citizenship of any state, and therefore without access to core human rights. Table 1 provides a summary of the situation for some traditionally excluded groups (a selection of those suggested by: Shearer and Opeskin 2012 108; Weissbrodt 2009 98; Constantine *ongoing*[4]). This includes also some of the previously long-term stateless groups that have, in the past two decades, obtained citizenship to various degrees. It is interesting to note the different legal mechanisms which have enabled these changes to occur.

Table 1: Some Long-term-Stateless Groups

Bihari people in Bangladesh	Urdu-speaking community in camps in Bangladesh (then East Pakistan) since India-Pakistan partition in 1947. Since Independence of Bangladesh in 1971, they have been referred to as 'stranded Pakistanis' and denied citizenship. In 2003 the Bangladesh Supreme Court granted 10 Biharis citizenship on grounds they had been born in the camps, or had resided in Bangladesh since Partition. This gave precedence for a ruling in 2008, which gave 150,000

[4] Greg Constantine is creator of the Nowhere People Project: www.nowherepeople.org (accessed 30/07/2013).

	Biharis citizenship on these grounds; however conditions remain difficult (e.g. Caballero-Anthony et al. 2013 167; Kelley 2010; Belton 2013 232; UNHCR 2007b 12).
Dalit people in Nepal	UNHCR note that a 'number of eligible Nepalese do not have citizenship certificates, which has an impact on their access to rights and services'. A large group among these are Dalit people, who are members of an 'untouchable' caste grouping. A number of local and international NGOs are campaigning for a full Nepali citizenship that is not caste-based.[5] In 2007, as a byproduct of the peace process, 2.6 billion stateless persons were given citizenship (UNHCR 2007b 7).
Hill Tamils in Sri Lanka	The 2003 Grant of Citizenship to People of Indian Origin Act improved things for the estimated 300,000 stateless persons of Indian origin living in the country and almost 2/3 received citizenship over a ten-day period in 2003.[6] Efforts continue to ensure they all can obtain both *de jure* and *de facto* citizenship (UNHCR 2007b 21).
Karen people in Thailand	Many of the Karen in Thailand fled from Myanmar, and they make up a large number of the 140,000 refugees from Myanmar living in nine camps along the Thai border with the country. Thailand has not acceded to either Statelessness Convention, but the 2008 Civil Registration Act provides for universal birth registration. However, Thai government data from December 2011 indicate 506,200 people are stateless.[7]
Rohingya people in Bangladesh, Malaysia and Myanmar	In 2009, HRW estimated a total Rohingya population of about 2 million, including 800,000 in Myanmar, 200,000 in Bangladesh (of which 30,000 in refugee camps), 500,000 in Middle East and 50,000 (also says 20,000-25,000) in Malaysia. In Myanmar, they have been stateless since 1982. In other states, they experience varying levels of access to papers and rights (Belton 2013 232; Caballero-Anthony et al. 2013).
Roma people in Europe	Roma persons are most commonly stateless in recently independent European states, this problem is particularly acute in Bosnia and Herzegovina, Czech Republic, Croatia, Macedonia and Slovenia (Dedi´c 2007). Some very roughly

[5] The Dalit NGO Forum gathers information for a range of Dalit NGOs in Nepal, and Works also with UNHCR. http://dnfnepal.org/page/about-us (accessed 01/08/2013)

[6] http://www.unhcr.org/pages/4ab1eb446/gallery-4e7731d76.html (accessed 01/08/2013)

[7] http://www.unhcr.org/pages/49e489646.html (accessed 01/08/2013)

estimated Council of Europe figures for stateless Roma persons are: Bosnia and Herzegovina 10,000; Montenegro 1,500; Serbia 17,000; Slovenia 4,090 (Hammarberg 2009).

Although examples can be found from across the globe, the regional bias in this table reflects UNHCR's statement that the problem of statelessness of this sort is most acute in South East Asia, Central Asia, Eastern Europe and the Middle East (UNHCR 2011c; claim also made separately by Caballero-Anthony et al. 2013), but it also shows the big steps that have already been taken in these regions to alleviate the situation.

2. Context of the Conventions

For as long as there have been modern states,[8] it has been seen as a key aspect of sovereignty 'for each State to determine under its own law who are its nationals'[9] (Popp 2012 382). Meanwhile, since 1948 it has been declared that: '[e]veryone has the right to a nationality' (UDHR 1948 Art.15(1)). Like many similar contradictions in International Law, this has led to the need to explain what happens to people who fall between the definitions. The 1950s saw the beginning of a formulation for two such groups in the aftermath of the Second World War: the 1951 Convention Relating to the Status of Refugees, and the 1954 Convention Relating to the Status of Stateless Persons. Both were then amended to apply more widely, leading to the 1961 Convention on the Reduction of Statelessness and the 1967 Protocol on the 1951 Convention Relating to the Status of Refugees. While there has been much focus on the situation for refugees, that for stateless persons has had less attention. Indeed, one commentator describes the situation for stateless persons as a continuing 'blind spot on the international community's agenda' (Belton 2013 223). This report draws attention to the Conventions Relating to Statelessness and to the Reduction of Statelessness.

The year 1949 saw the appointment of a committee of representatives of thirteen governments to consider 'means of eliminating the problem of

[8] This is usually traced from the Treaty of Westphalia 1648 (e.g. Shearer and Opeskin 2012 94; Geary 2002), but this is contested, even as a point of departure for Europe.

[9] 1930 *Convention on Certain Questions relating to the Conflict of Nationality Law*, Art.1; reference suggested by (Shearer and Opeskin 2012 96).

statelessness'.[10] Following a request from this group, in the 1950s, the International Law Commission (ILC) appointed Manley Hudson, former judge of the Permanent Court of International Justice, as Special Rapporteur for the Study of Nationality Including Statelessness (e.g. see Goodwin-Gill 2011). He was then supported by Gerrit Jan van Heuven Goedhart, the first UN High Commissioner for Refugees (hereafter UNHCR) and Paul Weis, a Harvard academic (Goodwin-Gill 2011 1). Two draft conventions were developed: one on reducing future statelessness, the other on its elimination. These were sent to governments for comment and a further convention on the reduction of present statelessness resulting from the events of the War and decolonization was also considered (Goodwin-Gill 2011 3).

The Office of the UNHCR had been established on December 14th 1950[11] and initially, it only officially had responsibility for stateless persons when such persons were refugees. However, in 1974, when the 1961 Convention came into force, this mandate was expanded to include also stateless persons who were not refugees (UNHCR 2011b 4; Shearer and Opeskin 2012 104). Today, the composition of UNHCR's 'people of concern' (those for whom their protection and assistance are of interest to UNHCR) is much broader, as can be seen from Chart 1 (overleaf),[12] of which stateless persons continue to make up quite a significant slice.

In 1959 and 1961, the United Nations held a Conference in Geneva and New York on the Elimination or Reduction of Future Statelessness, with the Draft Convention on the Reduction of Statelessness acting as a basis for discussion (Goodwin-Gill 2011 4). The 1954 Convention Relating to the Status of Stateless Persons had been cautious, focusing on the amelioration of conditions for stateless persons. Indeed, as can be seen from Table 2, the majority of the substantive articles related to acknowledging that there were indeed stateless persons without access to certain basic benefits, and bringing the rights and duties relating to stateless persons in line with those of members of other groups in the state. The existence of statelessness was, however, left unchallenged.

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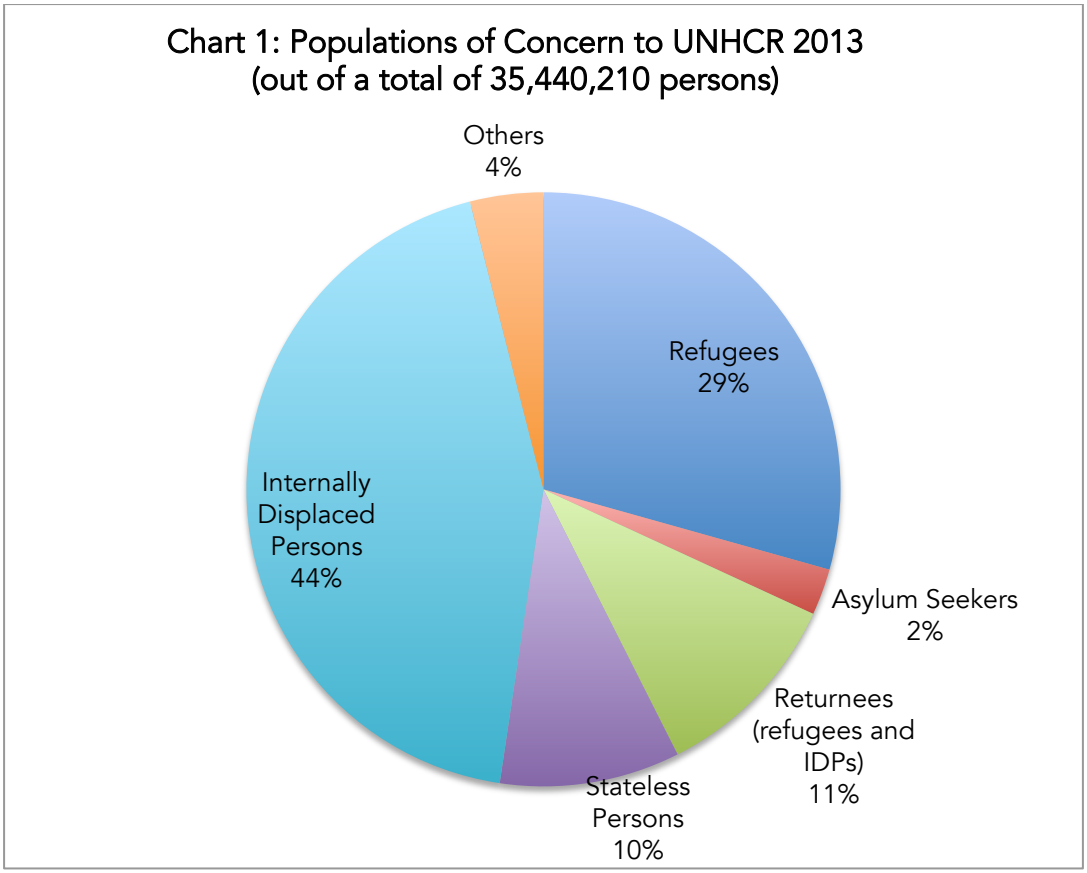
[10] www.untreaty.un.org/cod/diplomaticconferences/statelessness-1959/statelessness-1959-1961.html (accessed 31/07/2013)

[11] UNHCR website: http://www.unhcr.org/pages/49c3646c2.html

[12] Based on data in UNHCR's 2013 Global Appeal Update, www.unhcr.org/50a9f81b27.html (accessed 31/07/2013)



[13]

Table 2: How provisions required by the 1954 Convention Relating to Statelessness are presented in relation to states' existing provisions for other groups[14]

To be treated at least as well as 'nationals'	To be treated at least as well as other aliens	Other relevant comparative elements
Religion and religious education (Art. 4); Artistic rights and industrial property (Art. 14); Access to courts (1954a16),	Generally (Art. 7(1)); With regard to personal status, such as marriage (Art. 12(2)); Acquisition of property (Art.	Should not be subject to exceptional measures against nationals of a state of their former nationality (Art. 8).[15]

[13] This is based on fixed figures, rather than estimates. Figures for stateless persons were only available from 72 countries.

[14] Compiled from full text version available from OHCHR website: http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatelessPersons.aspx (accessed 26/07/2013).

[15] This measure is intended to avoid the situation whereby stateless persons experience discrimination in terms of legal entitlement based on their state of previous citizenship. This is most common in times of war, for example, where citizens of an enemy state are ineligible to some of the freedoms available to other foreign nationals in a state. One famous historical example

and access to courts abroad in same way as nationals of country of habitual residence (Art. 16(3)); [sympathetic consideration wrt wage-earning employment, esp wrt labour schemes (Art. 17(2))]; Rationing (Art. 20); Elementary education (Art. 22(1)); Public relief (Art. 23); Labour legislation and social security, including compensation for illness and death (Art. 24); Provision of relevant documents and certifications as would usually be provided by national authority, though with the possibility of charging reasonable fees (Art. 25); and Fiscal charges and taxes (Art. 29(1)) except wrt aliens' administrative documents.	13); Membership of non-political and non-profit-making associations and trade unions (Art. 15); Wage-earning employment (Art. 17); Self-employment (Art. 18); Practice of professions (Art. 19); Housing (Art. 21); Education other than elementary (Art. 22(2)); Freedom of movement within the territory (Art. 26).

The 1961 Convention took a radically different position. Although states opted for a convention on the 'Reduction', rather than 'Elimination' of statelessness, the 1961 Convention on the Reduction of Statelessness still made wide-ranging positive demands of states regarding the *granting of citizenship status* to persons who would otherwise be stateless. Indeed, international migration scholar, Guy Goodwin-Gill notes that:

> One of the most significant elements in the 1961 Convention is the fact that it imposes *positive* obligations on States to grant nationality in certain circumstances (Goodwin-Gill 2011 4, *emphasis in the original*).

This made a break with earlier treaties, which had been careful to ensure that the granting or withholding of citizenship status was a sovereign right of

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of this, which occurred just before the crafting of the 1954 Convention, was the internment in the United States of persons of Japanese ancestry (by Executive Order 9066) and German ancestry (by the Alien Enemies Act of 1798) during the Second World War.

states. Indeed, Table 3 shows that all of the non-administrative articles, paragraphs and subparagraphs in the 1961 Convention relate to the granting or non-removal of citizenship, with about 53% of these relating to positive obligations and 47% to acceptable qualifications on these obligations (many of which latter are repetitions).

Table 3: Classifying the content of the 1961 Convention on the Reduction of Statelessness

Substantive Articles, Paragraphs and Sub-Paragraphs			Administrative Articles, Paragraphs and Sub-Paragraphs
Granting 'Nationality'	Avoiding Loss of 'Nationality'	Acceptable Qualifications on Obligations	
1.1 a, b 1.3		1.2 a, b, c, d	
1.4 2, 3		1.5 a, b, c	
4.1 a, b		4.2 a, b, c, d	
	5.1, 5.2, 6		
	7.1 a, b, 7.2, 7.3, 7.6	7.4, 7.5	
8.1		8.2 a, b, 8.3 a I, ii, b	8.4
9	10.1, 10.2		11, 12.1, 12.2, 12.3, 13, 14, 15.1, 15.2, 15.3, 16.1, 16.2 a, b, c, 16.3, 16.4, 17.1, 17.2, 18.1, 18.2, 19.1, 19.2, 20.1 a, b, c, d, 20.2, 21
Total number: 10	Total number: 10	Total number: 18 (though with repetition)	Total number: 27

3. Statelessness and Refugees

The parallel development of the conventions relating to stateless persons and to refugees certainly affected the way in which the 1954 Statelessness Convention was drafted. Indeed, the 1954 Convention 'was originally conceived as a draft protocol to the refugee treaty' (UNHCR 2012 2). For example, it is suggested that one reason why the definition of statelessness in both the 1954 and the 1961 Statelessness Conventions focuses on the narrow *de jure* definition was to avoid overlap with the 1951 Refugee

Convention (e.g. see Weissbrodt 2009 85; Batchelor 1998 172), as at the time it was believed that all *de facto* stateless persons would be refugees, since persecuted (Weissbrodt 2009 85). This did not turn out to be so, as can be seen in the cases, for example, of trafficked persons and persons affected by ineffective administrative systems, as well as those who remain in their country of residence despite such persecution.

Despite this focus on *de jure* statelessnes, it *was* recognized from the outset that there was a difference between having formal citizenship and having citizenship in a fuller sense . As a result, there would be a difference between a state merely formally giving citizenship ostensibly to comply with the Convention and in fact changing conditions for those persons. Manly Hudson observed in 1959:

> Any attempt to eliminate statelessness can only be considered as fruitful if it results not only in the attribution of nationality to individuals, but also in *an improvement of their status* (Hudson, emphasis in the original, quoted in Belton 2013 235).

This observation recognizes that there are cases where persons may be effectively stateless though officially having a citizenship. The same concern continues today, especially as some groups (such as the Nubians in Kenya – Blitz and Lynch 2009 45,6), having been granted citizenship, do not see any real-terms change in their status (Belton 2013 235). Despite the official *de jure* definition of statelessness, individual states may interpret this more flexibly. For example, Canada includes as 'stateless refugees' also those who have citizenship, but cannot obtain the protection of their state (Goodwin-Gill and McAdam 2007 67).

Any discussion of the complex relationship between refugee status and that of statelessness must at least mention the situation for many Palestinian persons. Considered to be the largest stateless group globally, there are an estimated >4 million Palestinian persons currently considered to be *de jure* stateless (e.g. Shiblak 2006 8). Many Palestinians' official status as a special sort of 'refugees' within their countries of residence, rather than as stateless persons has, arguably, aggravated some of the difficulties in resolving their situation and indeed Art.1D of the 1951 Convention was intended to exclude Palestinians from the international protection regimes as they were being assisted already by the United Nations Relief and Works Agency (UNWRA)

(Shiblak 2006 9).[16] While this report does not have space to consider this case in detail, it would be remiss to pass it by entirely. With the proclamation of the State of Israel in 1948, Palestinian citizenship[17] ceased to exist, and many persons with Palestinian citizenship were effectively rendered stateless (e.g. Goodwin-Gill and McAdam 2007). Sixty thousand of the 150,000 Palestinians then within the territory of Israel were granted Israeli citizenship, with the others allowed to apply for it (Peled and Shafir 1996 402). However today, Palestinians are still stuck in large numbers between administrative regimes of inclusion and exclusion.

The problem of statelessness is grave and is different from that for non-stateless refugees. Much international law functions on the assumption that everyone is assigned to a state. Indeed, refugee status functions on the assumption that this assignation was made, but has failed. The dehumanization of groups of persons without papers can be seen in the creation of the noun of 'paperless' in several languages, from the adjective to describe their status. This is seen, for example, in French and Spanish, 'les sans papiers' / 'los sin papeles', meaning 'the without papers' and in Arabic, 'bidoon', meaning 'without' (short for 'bidoon jinsiya', 'without nationality'). This objectification may be part of what makes it possible to deny such persons respect for dignity in core ways.

Hannah Arendt argued that in Nazi Germany and the territories occupied by the regime, making Jews stateless enabled them to be treated differently from citizens. She writes that 'the Jews had to lose their nationality before they could be exterminated' (Arendt 1963 167; discussed in Weissbrodt 2009 96). And indeed, Sassen and Honig have more recently argued something similar with regard to the maltreatment of persons today. Stateless persons are often extremely vulnerable, and may find themselves excluded from the legal labour market, from property ownership, and other basic rights, making them easily subject to exploitation (e.g. Caballero-Anthony et al. 2013 161; taking the example of trafficking of Rohingya persons, especially from Myanmar). This report advocates the increased acknowledgement of the

[16] Note that it was only in 2002 that UNHCR adopted the position that the second part of Art.1D of the 1951 Refugee Convention should apply to Palestinians residing beyond UNWRA's fields of operation, thus making them eligible to be covered by the Convention.

[17] Until 1948, Palestinian citizenship was regulated by the UK. A Palestinian citizen was not a British subject, but was treated in Britain as a British Protected Person who could apply for a qualified British citizenship (Goodwin-Gill and McAdam 2007 459).

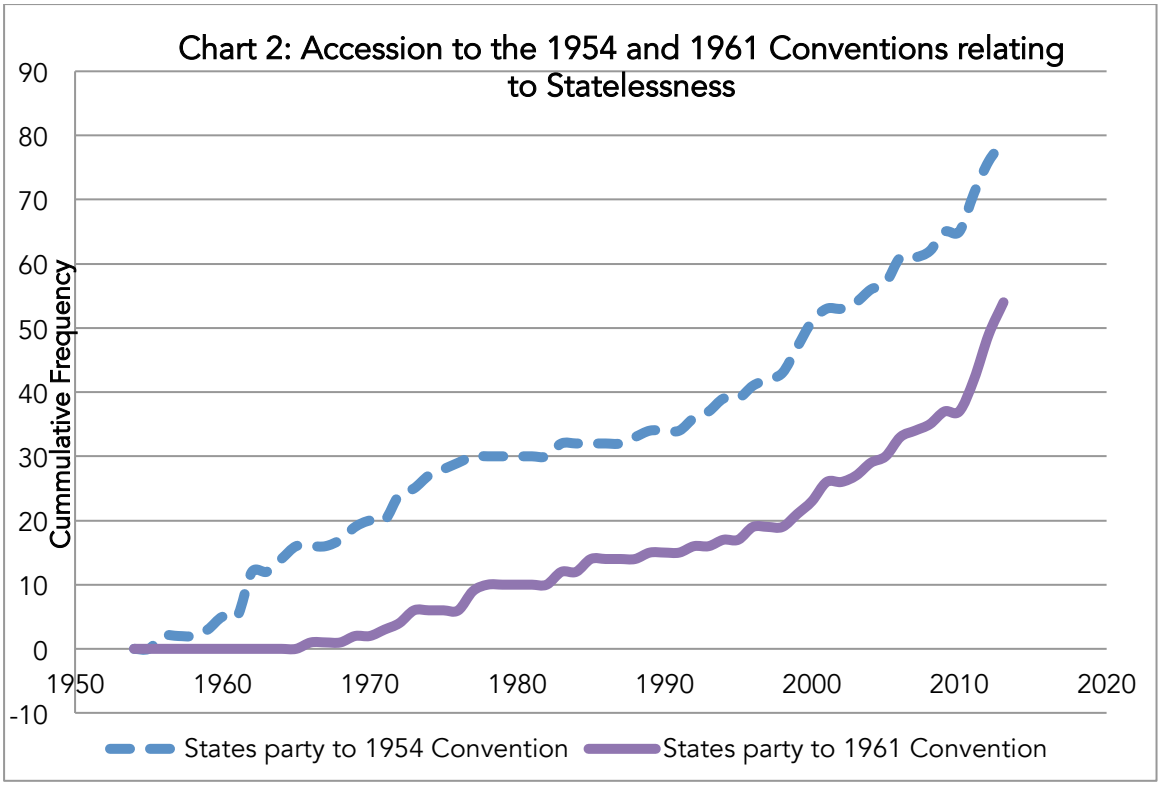
particular problem of statelessness in a world composed entirely within the logic of states.

Consider Hannah Arendt's famous statement that citizenship in effect represents the 'right to have rights', since it is needed in order to secure rights that are considered human.[18] Although some argue that the wording of some human rights instruments was intended to make citizenship less important (Cahn 2003; suggested by Weissbrodt 2009 83n), in the modern world, without citizenship, it is often difficult to obtain the rights that have been considered basic since the 1948 UDHR. Citizenship is needed to enable border crossing, to receive civil and political rights within a state, and even to receive protection under international law (Weissbrodt 2009 81, 97). Indeed, statelessness can even make it difficult to claim asylum elsewhere (Weissbrodt 2009 97). The Conventions discussed in this report were introduced to try to enable stateless persons to have access to human rights, but there is still much work to be done (e.g. see Belton 2013 237).

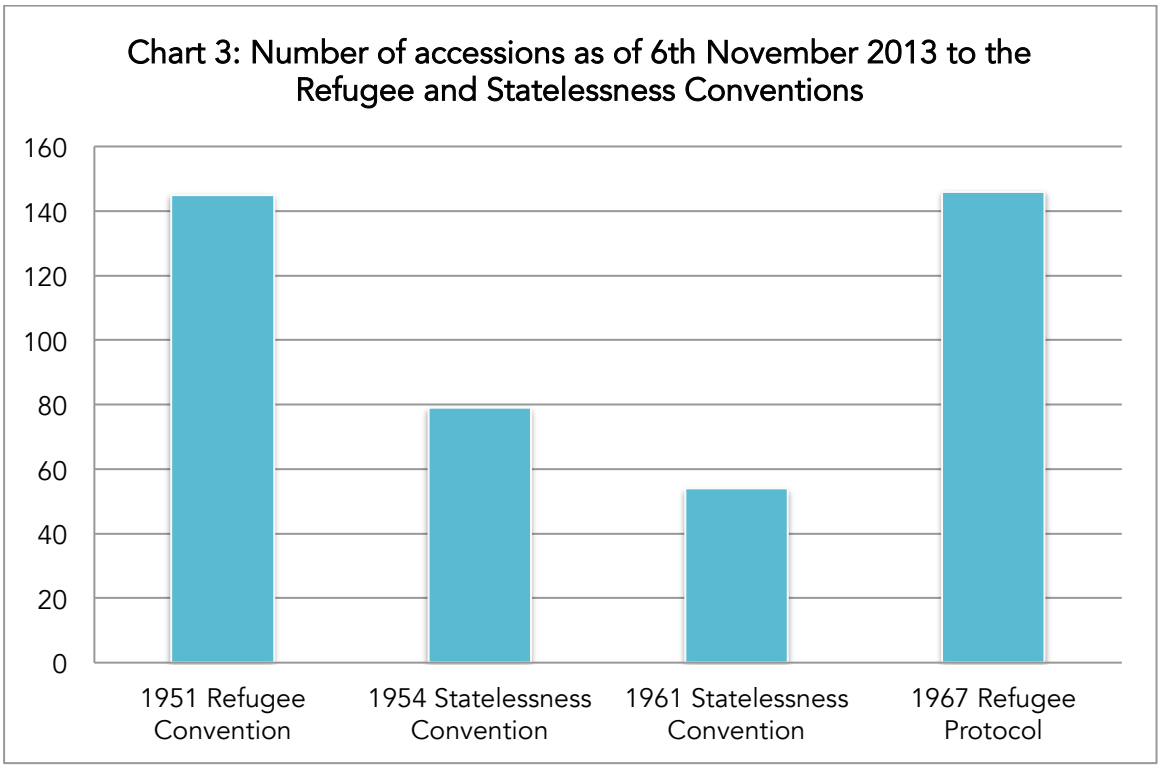
4. Accessions to the Conventions

The matter of statelessness is contentious (see Bello 2013; Pouilly 2007 28). The granting of citizenship has long been seen as a core entitlement of state sovereignty, and the strong positive requirements of the 1961 Convention and even the 1954 Convention, as discussed above, are particularly problematic in cases where there is dispute over borders or membership. This is made clear from the reservations to the Conventions, and the listed territories in which it is to apply. Further, the politically problematic nature of the matter of statelessness is made clear by the slow accession apparent in Chart 2, and especially when this is compared to the rates of accession to the Refugee Conventions in Chart 3. This is set alongside accession to other related treaties in Table 4.

[18] E.g. also see UNHCR website: http://www.unhcr.org/pages/49c3646c155.html



[19]



[19] Full data for this chart, with a more detailed chronology, are available in Appendices 1 and 2.

Table 4: States party to selected international instruments relating to statelessness[20]

Year	Treaty	More information	# states party	% of member states (2sig.fig.)
1948	Universal Declaration of Human Rights	esp Art.15		
1951	Convention Relating to the Status of Refugees		145	75%
1954	Convention Relating to the Status of Stateless Persons		79	41%
1957	Convention on the Nationality of Married Women		74	38%
1961	Convention on the Reduction of Statelessness		54	28%
1966	International Convention on the Elimination of All Forms of Racial Discrimination	esp Art.5	176	91%
1966	International Covenant on Civil and Political Rights	esp Art.24(3)	167	87%
1967	Protocol Relating to the Status of Refugees		146	76%
1989	Convention on the Rights of the Child	esp. Art.7	193	100%
1990	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	esp. Art.29	47	24%
1999	Draft Articles on Nationality of Natural Persons in Relation to the Succession of States			

In the mid 2000s, UNHCR admitted they had not done enough to address the issue of Statelessness (Belton 2013 223) and in August 2011, the 50th anniversary of the 1961 Convention, UNHCR launched a campaign to promote more accession to the Conventions (UNHCR 2011c). This led, as can be seen in Chart 2 and the Appendices, to a series of new accessions, as well as a number of pledges to accede. Indeed, The tables in Appendices 1 and 2 show a sudden increase in the rate of accession, so that for the 1954 and the 1961 Conventions, respectively, 15% and 31% of all accessions have been in

[20] This is correct to 8th November 2013, based on 193 member states.

2011, 2012 and 2013.[21] Indeed, at a conference in December 2011, in Geneva, more than 30 governments made pledges to accede to one or more of the Statelessness Conventions.[22]

The UNHCR's campaign was called the '1' campaign, which aimed 'to humanize an issue often reduced to numbers by telling stories of forcibly displaced individuals and stateless people'.[23] The successor of this campaign, the 'take action' campaign (which is more focused on refugee status) is still available online,[24] as is a 2012 statement from Volker Türk, UNHCR's director of International Protection on this matter, calling both for accession, and for domestic legislation to ensure protection of stateless persons and the granting of citizenship to already stateless persons.[25] In this address, he also celebrates the launch of the United States report on Statelessness (UNHCR and OSJI 2012). This is particularly interesting given the US has still not acceded to either Convention. The report examines those stateless persons in the US who do not have a clear path to either US or any other citizenship status.

5. Problematizing the Conventions

There are three elements of the Statelessness Conventions that will be problematized here. First, the discussion will note that the prioritization of *jus soli* citizenship acquisition has put uneven pressure on states with primarily *jus sanguinis* citizenship regimes. Second, it will be suggested that statelessness can be usefully understood as a 'phantom status'. While the acknowledgement by a state of refugee status requires the provision of certain goods, the acknowledgement of statelessness requires, in most cases, the removal of that status. Consequently, in theory, no state party to the 1961 Convention should admit the existence of stateless persons within its borders. Finally, the conflict with the right of (administrative) exit of a state will be considered.

5.1. Jus soli or jus sanguinis?

From the outset there has been a concern that any convention in this area would be prejudiced against countries with existing *jus sanguinis* citizenship

[21] Correct as of 8th November 2013.

[22] http://www.unhcr.org/pages/4a2535c3d.html

[23] A video made on the occasion of the launch of the campaign: http://www.youtube.com/watch?v=NrmSGrvMHak

[24] http://takeaction.unhcr.org

[25] http://unhcr.org/v-50d3386d6

systems (for example, see Finland and Switzerland's comments in (UN 1959 5, 16-18)). Indeed, in the Third Committee Meeting on this, the Swiss representative noted that:

> …the five *jus sanguinis* countries had capitulated to the *jus soli* countries, for the conditions for acquisition of nationality, as set out in the amendment, were merely birth, age and residence (UN 1961 7).

This had followed a similar outburst from the representative from Sri Lanka, then Ceylon, following an amendment, which still exists in the final Convention. That is, while it was changed to force persons to 'apply' for citizenship on a *jus soli* basis where it would not already be granted (rather than just requiring the state to grant citizenship), subsequent provisions made it such that the state in question could not then refuse, making the change to 'application' seem moot. Almost a half of states had a problem with the *jus soli* bias in the 1961 Convention (Forlati 2013 21).

It is often suggested that *jus soli* is preferable to the apparently ethnic *jus sanguinis*. For example, (Dedi´c 2007) presents *jus sanguinis* as an ethnic citizenship, which excludes Roma as such. However, although this may well be the ideology behind the cases he discusses (in Croatia, Slovenia, etc), it is not *jus sanguinis* that is problematic, so much as the exclusion of some from the *jus sanguinis* categorization in the first place. That is, if Romani adults were allowed to be included in the citizenship group he describes, then *jus sanguinis* would enable them to pass their citizenship to their children. Since the late 2000s, it has been generally agreed that the assumption that *jus soli* is morally better in this way is questionable. Ayelet Shacher's 2002 book, *The Birthright Lottery*, sets out the argument. She argues that the problem is not ethnic citizenship acquisition *per se* but acquisition based on an accident of birth. She notes that both *jus soli* and *jus sanguinis* are birthright citizenship criteria, and as such are problematic. Regimes based solely, or primarily, on either of them lead to nonsensical exclusions.

While the discussions on the occasion of the drafting of the 1961 Convention can also seem to perpetuate this concern, in fact, one or the other had to be chosen as default if there were to be a way of stopping persons from becoming stateless. Even if all states followed their citizenship rules in every case, if there are some states with *jus soli* and some with *jus sanguinis*, there will be persons that fall through the cracks – for example, by being born in a *jus sanguinis* country to parents of a *jus soli* one. However, *jus soli* offered the crafters of the Convention two further administrative advantages. First, in

the case of persons born to parents who are themselves stateless, birth on the territory can provide a simple way to establish which state should provide citizenship. Second, in a situation of mass statelessness, and moving populations, the granting of citizenship to a person *in situ* is more convenient than chasing paperwork across borders.

Indeed, even with the instruments that exist, it is not always clear which state should provide citizenship. Serena Forlati quotes Emmanuel Decaux: 'Le droit à la nationalité a un sujet et un objet, mais non un débiteur' (Forlati 2013 20)[26]. This is a problem among several of the human rights enunciated in international instruments, as they do not assign a specific state or body that is required to ensure that the rights are met. That said, there are some matters that are now largely agreed upon. For example, only the United Arab Emirates (UAE) holds that 'the acquisition of nationality is [entirely] an internal matter'. Indeed, *all* states have acceded to the 1989 Convention on the Rights of the Child (see Table 4), which also contains the provision to grant *jus soli* citizenship if no other is available. While neither *jus soli* nor *jus sanguinis* is morally superior, in the system of states that currently exists, one of them is needed as a default if we are to try to ensure that everyone is allocated a status. For logistical reasons, *jus soli* seems like a logical choice for a default position, though it does need to be acknowledged that this puts different pressures on states that did not, or do not, already have a *jus soli*-based system. Acknowledging this does not, however, entitle any state to opt out of the requirement to grant citizenship to those born on its soil without any other available citizenship.

5.2. Statelessness as a phantom status

While refugee status is contentious, and there are persons excluded from it for political and economic reasons, statelessness is more problematic. If a state grants refugee status to someone, it contracts itself to certain obligations towards them, as laid out in the Convention and Protocol. If a state acknowledges someone as stateless, it effectively either acknowledges negligence or affirms that it will grant that person papers, except in exceptional circumstances. This may help to explain, for example, the lack of data available on stateless persons. States that have acceded to the 1961 Convention should not, in theory, contain stateless persons, or at least, not for long (since anyone stateless on their territory should be given citizenship). At the same time, states with large populations of stateless persons to whom they are not keen to give papers have a strong disincentive to accede. From

[26] (The right to a nationality has a subject and an object, but not someone with the obligation.)

the table in Appendix 3, it can be seen that those 72 countries providing figures on statelessness to UNHCR in mid 2013, less than half (41.7%) had acceded to the 1961 Convention, which provides the requirement to grant citizenship in many situations. Interestingly, about 58% of those acceding to each convention provide data (58.4% for the 1954 Convention and 58.8% for the 1961 Convention).

Table 5 shows the number of countries reporting statistics on stateless persons to UNHCR and the total global figures and projections. It is clear from this how little is known about the numbers, except that they are large. UNHCR note that 'a minority of countries have procedures in place for their [stateless persons] identification, registration and documentation' (UNHCR 2013 29).[27]

Table 5: Countries reporting statistics on stateless persons to UNHCR 2004-2012

	# states	**% UN member states**	**# stateless persons reported**	**UNHCR's projected global total**	***Source***
2004	30	15.7	nd	1 million	*(UNHCR 2004 19)*
2005	48	25.1	nd	'millions'	*(UNHCR 2005 20)*
2006	49	25.5	nd	1.5 million	*(UNHCR 2006 14)*
2007	54	28.1	2,381,886		*(UNHCR 2007 12)*
2008	58	30.2	5,805,940	15 million	*(UNHCR 2009a 14, 51)*
2009	60	31.3		12 million	*(UNHCR 2009b 45)*
2010	65	33.9		12 million	*(UNHCR 2011d 40)*
2011	64	33.2	3,500,000	12 million	[28]
2012	72	37.3	3,335,777	10 million	

From Table 5, it can be seen that UNHCR has had to increase dramatically its estimates regarding the number of stateless persons in the world, as figures became available from an increasing number of countries. However, still only just over a third of countries are providing data (e.g. see Appendix 3). In 2012, the estimated number of stateless persons globally was 10 million. UNHCR also reported to have 10 million refugees under their list of persons of concern. Indeed, though the figures for refugees includes stateless refugees, this population is not included in the statelessness figures. The condition of statelessness, then, affects a very large number of people. Yet it is likely that it is still under reported.

[27] note: UNHCR only includes data on countries with what they refer to as reliable oficial statistics on statelessness (UNHCR 2013 29).

[28] www.unhcr.org/pages/49c3646c26.html (accessed 08/08/2013)

While reporting a large number of refugees reflects a country as beneficent, having large numbers of stateless persons suggests, according to the 1961 Convention, that a state is withholding status from those who should have it. It is interesting to note, for example, that Spain, which is one of a handful of countries to have a formal procedure for assessing the status of statelessness, at the time of writing officially hosts 36 stateless persons and 4,510 refugees, 2,790 asylum seekers (UNHCR figures[29]). Spain has acceded to the 1954 Convention, but not the 1961 Convention (see Appendices 1 and 2), so is not required to provide citizenship to those 36.

5.3. The right to renounce

Some groups have complained that in some cases, accession to the Conventions hampers their ability to renounce state membership. In the 1960s, for example, renouncing US citizenship was a way to avoid the draft to serve in the Vietnam War (Weissbrodt 2009 92). One public example of this was the renunciation, by Thomas Jolley, of his US citizenship at the US consulate in Toronto, Canada (Lorenz 1972). This renouncement of citizenship is not possible in states which, unlike the US, have acceded to the 1961 Convention. The problematic provision is found in Article 7(1)a of the 1961 Convention, which states:

> If the law of a Contracting State permits renunciation of nationality, such renunciation shall not result in loss of nationality unless the person concerned possesses or acquires another nationality.

However, sub-paragraph 7(1)b notes that this should not apply where 'application would be inconsistent with the principles stated in Articles 13 and 14 of the Universal Declaration of Human Rights', which state:

> *Article 13*
>
> 1. Everyone has the right to freedom of movement and residence within the borders of each State.
>
> 2. Everyone has the right to leave any country, including his own, and to return to his country.
>
> *Article 14*

[29] http://www.unhcr.org/pages/49e48eed6.html (accessed 08/08/2013)

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes of the United Nations.

It is also important to consider Article 15 in this regard, which includes the right to change nationality.

Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

However, generally, state adherence to the 1961 Convention effectively removes the right of administrative exit from a state, and so the right to renounce the state system as it currently exists. For example, the Tent Embassy Campaign, active in Australia since 1972, argues that, never having consented to the Australian state, they do not consent to being fellow citizens and campaign for an embassy in Australia like other non-Australian nations. Indeed, in a high profile case from 2011, an aboriginal woman, Jude Kelly, apparently gave up her Australian citizenship.[30] However, it seems unlikely that this renunciation could be legally recognised, since, in line with the 1961 Statelessness Convention, Australian law requires that a person is a 'citizen of another country, or on renunciation will acquire the citizenship of another country'.[31] Thus, while she, and subsequently her grandson, could symbolically declare their renunciation of their citizenship, the Australian state could continue to count them as citizens. This power of states to withhold the right to renounce citizenship is made clear by this statement of the Israeli Ministry of Foreign Affairs:

> It is important to note that the decision to authorize a renunciation of citizenship is made at the sole discretion of the Minister of the Interior or anyone appointed by him, and as long as such

[30] e.g. see www.heraldsun.com.au/news/breaking-news/tent-embassy-activist-judge-kelly-gives-up-citizenship-in-protest/story-e6frf7jx-1226006305340 (accessed 08/08/2013)

[31] www.citizenship.gov.au/current/give-up (accessed 08/08/2013)

> authorization is not given, the person who made the declaration is still an Israeli citizen. It should be noted that there have been cases in which the minister saw fit, for various reasons, not to authorize a renunciation of citizenship.[32]

Belgium's comment on this at the time of the drafting of the 1961 Convention turns this on its head, with the peculiar conclusion that:

> …on the rare occasions when Belgian legislation allows deprivation of nationality there is a provision permitting the spouse and children of the person deprived of nationality to renounce Belgian nationality without having to prove possession of another nationality. The intention is to preserve family unity (UN1959 4).

The US, meanwhile, has still not acceded, and provides an online form for the renouncing of citizenship, even becoming stateless, with the written warning that this may put the person in question outside the protection of any state.

That the question of the right to renounce citizenship is more complex than it at first seems is clear. However, the Australian case shows a further layer to this. In 1967, before the creation of the Tent Embassy, Aboriginal persons in Australia were campaigning for full citizenship rights. A historic speech by campaign-leader Chicka Dixon gives an insight into the situation in Australia shortly before the vote on full citizenship for Aboriginal people:

> There's a simple reason why I want a huge 'Yes' vote on the Aboriginal question at next Saturday's referendum: *I want to be accepted by white Australians as a person*. There are scores of other reasons why the vote should be yes. But for most Aborigines it is basically and most importantly a matter of seeing white Australia finally, after 179 years, affirming at last that they believe we are human beings (cited in Howell and Schnaap 2014 *forthcoming*).

This shows that, while it is crucial to problematize the need for citizenship, including of (ex)colonial states, it is also important to ensure citizenship rights in the mean time for all who want them. One further matter worth noting, which arises from the discussion of the right to renounce citizenship, is the question of whether renunciation of citizenship makes someone stateless and

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32 http://mfa.gov.il/MFA/ConsularServices/Pages/Renouncing_Israeli_citizenship.aspx (accessed 12/08/2013)

so eligible for the protections of the conventions. UNHCR says that it does indeed make someone eligible for the protections of a stateless person, though such a person may, unlike other stateless persons, have the possibility of re-acquiring citizenship (UNHCR 2012 10).

Three key points have been raised in this final subsection. First, citizenship of recognized states is currently largely the only way to obtain core rights, which forces those rejecting some aspect of the state system to take citizenship if they want access to basic rights. Second, it emphasizes that citizenship status in itself is only one element of ensuring rights. Finally, it is crucial to acknowledge the importance of the political element of granting citizenship. Moreover, stateless persons are not represented in any political forum.

Conclusions and recommendations

> Peace … is … a state in which no people of any country, in fact, no group of people of any kind, lives in fear or in need.
>
> Gerrit Jan van Heuven Goedhart
> First UNHCR in his Nobel Prize Acceptance Speech, 1955

The Statelessness Conventions are responding to a problem with the existing system of states, in which the fact is that citizenship is needed for key goods to be available. This report advocates a two-fold response. First, to increase the accession to the Statelessness Conventions with urgency, to provide increasing protections for the most vulnerable persons, but second, to acknowledge at the same time the inadequacies of a system built on states of this sort, and look for innovative ways for people to obtain key goods without having to be tied to specific states. This report posits that it is crucially important to halt the current situation where an unknown number of persons are deprived of basic protections and provisions because of their lack of citizenship status in any state. It is necessary to recognize this as a problem arising initially from a system constructed upon the assumption of states sovereign in terms of the composition of their citizenry, and to critique this construction. In the mean time, however, the campaign to increase the accession to the Statelessness Conventions is urgent.

There will be the opportunity for states to discuss this in a focused way at the First Global Forum on Statelessness, in The Hague in September 2014.[33] In advance of these meetings, this report recommends, therefore:

[33] http://www.unhcr.org/5141e6a29.html

1. That the situation of statelessness needs to be central to considerations relating to migration and the privations experienced by migrants. It should not be seen as a special case of seeking asylum, but as a particular deprivation in its own right, one shared by many of those seeking asylum.

2. Statelessness is not inevitable. There needs to be a re-examination of the international assumptions that allow statelessness to continue. This includes a continuation of the campaign, not only for accession to the Conventions, but for *genuine* accession, which would include a full desire to fulfill the requirements of accession more than merely formally.

3. Consider the mechanisms that are in place for complaints relating to the treatment of stateless persons. Some commentators have suggested creating a procedure similar to that maintained by the Office of the High Commissioner for Human Rights (OHCHR) relating to the International Covenant on Civil and Political Rights (ICCPR), whereby in theory individual persons can complain directly to a committee regarding their exclusion from rights (e.g. see Belton 2013 237).

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Appendix 1: States party to the *1954 Convention Relating to the Status of Stateless Persons*[34]

	Participant	Signature	Accession (a), Succession (d), Ratification	Totals	CF[35] of Accession
1950s	Belgium	28 Sep 1954	27 May 1960	Acceded, 19; Succeeded, 19; Ratified, 19	19
	Brazil	28 Sep 1954	13 Aug 1996		
	Costa Rica	28 Sep 1954	2 Nov 1977		
	Denmark	28 Sep 1954	17 Jan 1956		
	Ecuador	28 Sep 1954	2 Oct 1970		
	El Salvador	28 Sep 1954	-		
	Germany	28 Sep 1954	26 Oct 1976		
	Guatemala	28 Sep 1954	28 Nov 2000		
	Holy See	28 Sep 1954	-		
	Honduras	28 Sep 1954	1 Oct 2012		
	Lichtenstein	28 Sep 1954	25 Sep 2009		
	Netherlands	28 Sep 1954	12 Apr 1962		
	Norway	28 Sep 1954	19 Nov 1956		
	Sweden	28 Sep 1954	2 Apr 1965		
	Switzerland	28 Sep 1954	3 Jul 1972		
	UK	28 Sep 1954	16 Apr 1959		
	Israel	1 Oct 1954	23 Dec 1962		
	Italy	20 Oct 1954	3 Dec 1962		
	Colombia	30 Dec 1954	-		
	France	12 Jan 1955	8 Mar 1960		
	Philippines	22 Jun 1955	22 Sep 2011		
	Luxembourg	28 Oct 1955	25 Sep 2009		
1960s	Madagascar	-	[20 Feb 1962 a]	Acceded, 10; Succeeded, 2; (Madagascar denounced Cnvn	29
	Guinea	-	21 Mar 1962 a		
	Republic of Korea	-	22 Aug 1962 a		
	Ireland	-	17 Dec 1962 a		
	Algeria	-	15 Jul 1964 a		
	Liberia	-	11 Sep 1964 a		
	Uganda	-	15 Apr 1965 a		
	Trinidad and Tobago	-	11 Apr 1966 d		
	Finland	-	10 Oct 1968 a		
	Botswana	-	25 Feb 1969 d		
	Tunisia	-	29 Jul 1969 a		

[34] Compiled from information available from UN Treaties website, http://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20V/V-3.en.pdf. The information is correct to 8th November 2013.

[35] Cummulative Frequency.

1970s	Barbados Argentina Fiji Australia Zambia Lesotho Greece	- - - - - - -	6 Mar 1972 d 1 Jun 1972 a 12 Jun 1972 d 13 Dec 1973 a 1 Nov 1974 d 4 Nov 1974 d 4 Nov 1975 a	Acceded, 7; Succeeded, 4	36
1980s	Bolivia (Plurinational State of) Kiribati Antigua and Barbuda Libya	- - - -	6 Oct 1983 a 29 Nov 1983 d 25 Oct 1988 d 16 May 1989 a	Acceded, 4; Succeeded, 2	40
1990s	Slovenia Croatia Bosnia and Herzegovina FYR Macedonia Armenia Azerbaijan Spain Zimbabwe St Vincent and the Grenadines Chad Latvia Swaziland	- - - - - - - - - - - -	6 Jul 1992 d 12 Oct 1992 d 1 Sep 1993 d 18 Jan 1994 d 18 May 1994 a 16 Aug 1996 a 12 May 1997 a 1 Dec 1998 d 27 Apr 1999 d 12 Aug 1999 a 5 Nov 1999 a 16 Nov 1999 a	Acceded, 12; Succeeded, 6	52
2000s	Lithuania Slovakia Mexico Serbia Hungary Albania Uruguay Czech Republic Senegal Romania Belize Rwanda Montenegro Austria Malawi	- - - - - - - - - - - - - - -	7 Feb 2000 a 3 Apr 2000 a 7 Jun 2000 a 12 Mar 2001 a 21 Nov 2001 a 23 Jun 2003 a 2 Apr 2004 a 19 Jul 2004 a 21 Sep 2005 a 27 Jan 2006 a 14 Sep 2006 a 4 Oct 2006 a 23 Oct 2006 d 8 Feb 2008 a 7 Oct 2009 a	Acceded, 15; Succeeded, 1	67

2010s	Panama	-	2 Jun 2011 a	Acceded, 12	79
	Nigeria	-	20 Sep 2011 a		
	Turkmenistan	-	7 Dec 2011 a		
	Benin	-	8 Dec 2011 a		
	Georgia	-	23 Dec 2011 a		
	Bulgaria	-	22 Mar 2012 a		
	Republic of Moldova	-	19 Apr 2012 a		
	Burkina Faso	-	1 May 2012 a		
	Portugal	-	1 Oct 2012 a		
	Ukraine	-	25 Mar 2013 a		
	Nicaragua	-	15 Jul 2013 a		
	Côte d'Ivoire	-	3 Oct 2013 a		

Appendix 2: States party to the *1961 Convention on the Reduction of Statelessness*[36]

	Participant	Signature	Accession (a), Succession (d), Ratification	Totals	CF[37] of Accession
1960s	Israel	30 Aug 1961	-	Acceded, 3; Succeeded, 2; Ratified, 2	3
	Netherlands	30 Aug 1961	13 May 1985		
	UK	30 Aug 1961	29 Mar 1966		
	Dominican Republic	5 Dec 1961	-		
	France	31 May 1962	-		
	Sweden	-	19 Feb 1969 a		
1970s	Norway	-	11 Aug 1971 a	Acceded, 8	11
	Austria	-	22 Sep 1972 a		
	Ireland	-	18 Jan 1973 a		
	Australia	-	13 Dec 1973 a		
	Denmark	-	11 Jul 1977 a		
	Germany	-	31 Aug 1977 a		
	Costa Rica	-	2 Nov 1977 a		
	Canada	-	17 Jul 1978 a		
1980s	Bolivia (Plurinational state of)	-	6 Oct 1983 a	Acceded, 4; Succeeded, 1	15
	Kiribati	-	29 Nov 1983 d		
	Niger	-	17 Jun 1985 a		
	Libya	-	16 May 1989 a		
1990s	Latvia	-	14 Apr 1992 a	Acceded, 6	21
	Armenia	-	18 May 1994 a		
	Azerbaijan	-	16 Aug 1996 a		
	Bosnia and Herzegovina	-	13 Dec 1996 a		
	Chad	-	12 Aug 1999 a		
	Swaziland	-	16 Nov 1999 a		

[36] Compiled with information available from UN Treaties website: http://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20V/V-4.en.pdf. The information is correct to 8th November 2013.

[37] Cummulative Frequency

2000s	Slovakia	-	3 Apr 2000 a		
	Tunisia	-	12 May 2000 a		
	Guatemala	-	19 Jul 2001 a		
	Uruguay	-	21 Sep 2001 a		
	Czech Republic	-	19 Dec 2001 a		
	Albania	-	9 Jul 2003 a		
	Liberia	-	22 Sep 2004 a		
	Lesotho	-	24 Sep 2004 a		
	Senegal	-	21 Sep 2005 a		
	Romania	-	27 Jan 2006 a		
	New Zealand	-	20 Sep 2006 a		
	Rwanda	-	4 Oct 2006 a		
	Brazil	-	25 Oct 2007 a		
	Finland	-	7 Aug 2008 a		
	Hungary	-	12 May 2009 a		
	Lichtenstein	-	25 Sep 2009 a	Acceded, 16	37
2010s	Panama	-	2 Jun 2011 a		
	Nigeria	-	20 Sep 2011 a		
	Croatia	-	22 Sep 2011 a		
	Serbia	-	7 Dec 2011 a		
	Benin	-	8 Dec 2011 a		
	Bulgaria	-	22 Mar 2012 a		
	Republic of Moldova	-	19 Apr 2012 a		
	Paraguay	-	6 Jun 2012 a		
	Turkmenistan	-	29 Aug 2012 a		
	Ecuador	-	24 Sep 2012 a		
	Portugal	-	1 Oct 2012 a		
	Honduras	-	18 Dec 2012 a		
	Jamaica	-	9 Jan 2013 a		
	Ukraine	-	24 Mar 2013 a		54
	Lithuania	-	22 Jul 2013 a		
	Nicaragua	-	29 Jul 2013 a		
	Côte d'Ivoire	-	30 Oct 2013 a	Acceded, 17	

Appendix 3: Figures reported to UNHCR regarding numbers of stateless persons in individual states in 2013

Please note that this table only contains those countries that supplied data to UNHCR in 2013. The raw demographic data is taken from (UNHCR 2013 38), the data on accession is found in Appendices 1 and 2 above.

By Quartile	Country	Reported # stateless persons	Acceded to 1954?	Acceded to 1961?
Q1	Brazil	1	Y	Y
Q1	Hong Kong (China)	1		
Q1	Honduras	1	Y	Y
Q1	Nicaragua	1	Y	
Q1	Panama	2	Y	Y
Q1	Slovenia	4	Y	
Q1	Lichtenstein	5	Y	Y
Q1	Mexico	7	Y	
Q1	Colombia	12	Y	
Q1	Israel	14	Y	Y
Q1	Armenia	35	Y	Y
Q1	Spain	36	Y	
Q1	Egypt	60		
Q1	Switzerland	69	Y	
Q1	Ireland	73	Y	Y
Q1	Hungary	111	Y	Y
Q1	Iceland	119		
Q1	Greece	154	Y	
Q1	Luxembourg	177	Y	
Q1	Republic of Korea	179	Y	
Q1	UK	205	Y	Y
Q1	Mongolia	220		
Q1	Romania	248	Y	Y
Q1	Italy	470	Y	
Q1	Austria	542	Y	Y
Q1	Portugal	553	Y	Y
Q1	Turkey	780		
Q1	The FYR of Macedonia	905	Y	
Q1	Japan	1100		
Q1	Georgia	1156	Y	
Q1	Qatar	1200		
Q1	France	1210	Y	Y
Q1	Burundi	1302		
Q1	Czech Republic	1502	Y	Y
Q1	Slovakia	1523	Y	Y
Q1	Republic of Moldova	1998	Y	Y
Q1	Netherlands	2005	Y	Y
Q1	Finland	2017	Y	Y
Q1	Tajikistan	2300		
Q1	Norway	2313	Y	Y
Q1	Croatia	2886	Y	Y
Q1	Montenegro	3383		

Q1	Ukraine	3500	Y	Y
Q1	Azerbaijan	3585	Y	Y
Q1	Denmark	3623	Y	Y
Q1	Belgium	3898	Y	
Q1	Lithuania	4130	Y	
Q1	Bosnia and Herzegovina	4500	Y	Y
Q1	Germany	5683	Y	Y
Q1	Philippines	6015	Y	
Q1	Kazakhstan	6935		
Q1	Belarus	6969		
Q1	Albania	7443	Y	Y
Q1	Serbia	8500	Y	Y
Q1	Turkmenistan	8947	Y	Y
Q1	Sweden	9596	Y	Y
Q1	Poland	10825		
Q1	Viet Nam	11500		
Q1	Kyrgyzstan	15473		
Q1	Kenya	20000		
Q1	Brunei Darussalam	21009		
Q1	Malaysia	40001		
Q1	Saudi Arabia	70000		
Q1	Kuwait	93000		
Q1	Estonia	94235		
Q1	Iraq	120000		
Q1	Russian Federation	178000		
Q2	Syria	221000		
Q2	Latvia	280759	Y	Y
Q3	Thailand	506197		
Q4	Côte d'Ivoire	700000		
Q4	Myanmar	808075		

Please note, UNHCR's official total in this table is 3,335,777 however the total made by summing the data available is 3,304,277. I have used UNHCR's official figure in the text, but in calculating quartiles, I have used my calculated total.

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