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Delving into Struggles: Ensuring Access to Justice for Stateless Persons

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Millions of vulnerable individuals find themselves devoid of nationality or any recognized state affiliation. Statelessness poses extensive challenges, leaving individuals marginalized and deprived of exercising essential rights and services. This comprehensive exploration delves into the issue of statelessness and sheds light on the legal frameworks established to safeguard stateless persons. Essentially, the article emphasizes the need for access to justice for stateless persons, advocating for a comprehensive and inclusive approach that can break the chains of invisibility and prevent the abuse of human rights. Looking at the precarious situation of the stateless, the pressing need for establishing a nexus between human rights and immigration laws is realized so that exploitation can be stopped and humanitarian standards can be maintained. By highlighting the significance of granting equal access to justice, this article endeavors to catalyze positive changes and foster a more equitable and compassionate world for the stateless.

Keywords: *statelessness, human rights, stateless persons, nationality, justice.*

INTRODUCTION

“To be stateless is to be tortured every day. It’s a form of psychological torture that is permanent.”

- Antonio Guterres¹

Access to justice is one of the social imperatives recognized as a fundamental right for the citizens of a particular country. The applicability and enforcement of various laws ensure an efficient bestowing of justice to the citizens. On the flip side, many individuals do not hold the title of 'citizen' in any country, ergo they are not subject to the laws of the land, and thus they fail to secure justice under the suitable provisions of a specific statute or rules. Such individuals are categorized as 'Stateless refugees'. A legal bond of rights and duties between the government and the citizens democratically governs the country, safeguarding the rights of individuals and ensuring the performance of certain duties. The stateless refugees are not a part of such a bond as they are not recognized as citizens in any country and thus remain deprived of the rights provided by the Constitution or a set of rules legislated by the government. The misery of statelessness has been in motion for decades, triggered by a range of causes depending upon the circumstances and political preferences.

The conception of statelessness has posed a major impediment to the dogma of human rights. This article delineates the conundrum of stateless refugees all around the world taking into account the challenges and exclusion faced by them.

UNDERSTANDING STATELESSNESS

Turning the pages of history, one gets apprised of the violent attacks, communal persecution, civil unrest, and other atrocities caused by ideological differences and fierce competition among various states. The harmonious survival of the populace is threatened when they experience persistent hardships caused by ongoing social unrest in their region or country. It compels them to migrate to another country where they expect to lead peaceful lives and have their interests protected. Such people are regarded as stateless. The terms 'Stateless' individuals and 'Refugees' are used interchangeably. But both of them are distinct from each other in respect of their legal status. A refugee is a person who is unable or unwilling to return to his country of origin induced

¹ Emma Batha, 'INTERVIEW- 'World must end "cancer" of statelessness- UN refugee head' (*Thomson Reuters Foundation News*, 04 November 2014) <<https://news.trust.org/item/20141104171526-ba8ws>> accessed 15 July 2023

by the fear of being discriminated against or persecuted on account of race, religion, nationality, membership of a particular social group, etc.² The 1951 Convention Relating to the Status of Refugees³ is a legal instrument that emphasizes the protection of the rights of refugees without any kind of discrimination. It seeks to uphold the human rights of the refugees following the fundamental principles of non-discrimination and non-penalization. Moreover, abiding by the principle of *non-refoulement* is one of the objectives of the convention. Non-refoulement guarantees that any refugee who has come to another country will not be forced to return to his country of origin where he would face discrimination and inhuman torture.⁴

On the other hand, a 'stateless' person does not have nationality or citizenship in any country. It implies that no legal status is conferred to such a person. He may or may not have migrated from his home country. Article 1(1)⁵ of the 1954 Convention Relating to the Status of Stateless Persons (hereinafter referred to as '1954 Convention') defines a stateless person as "*an individual who is not considered as a national by any State under the operation of its law*".⁶ For example, a child born into a refugee family without legal status till birth shall be categorized as a stateless person. As mentioned above, refugees migrate as a result of persecution in their home country, whereas the 'Stateless' persons face numerous challenges other than persecution which bring them within the ambit of Article 1(1). There may be economic or other personal factors that must have compelled them to migrate to another country.

THE HIERARCHY OF STATELESSNESS: DE JURE AND DE FACTO STATELESSNESS

The identification of stateless persons has been fundamentally divided into two heads- *de jure* and *de facto*.⁷ The stateless persons as defined in the 1954 Convention take *de jure* statelessness

² Convention Relating to the Status of Refugees 1951, art 1A (2)

³ Convention Relating to the Status of Refugees 1951

⁴ 'The principle of non-refoulement under international human rights law' (*United Nations Human Rights*, 01 January 2018)

<<https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf>> accessed 16 July 2023

⁵ Convention Relating to the Status of Stateless Persons 1954, art 1(1)

⁶ *Ibid*

⁷ Hugh Massey, 'UNHCR and *de facto* Statelessness' (*United Nations High Commissioner for Refugees*, 1 April 2010)

<<https://www.refworld.org/pdfid/4bbf387d2.pdf>> accessed 17 July 2023

into account. These persons do not have any nationality and this Convention seeks to protect them. On the other hand, *de facto* stateless persons, though not specifically defined in the Convention, are the persons who are unable to prove their *de jure* statelessness status⁸ and fail the 'effective nationality'⁹ test. Stateless individuals of both categories do not have a nationality, but the 1954 Convention gives protection to *de jure* stateless persons under its provisions. The *de facto* stateless persons fail to get the benefits under the Convention because they fail to prove their nationality.

Initially, only *de jure* stateless persons were considered to be stateless and the Convention of 1954 was drafted exclusively for their protection. It did not take *de facto* stateless persons into account because their legal status and situations were equated with that of the refugees who are dealt with under the Convention of 1951¹⁰. However, their inclusion in the category of refugees fails because all *de facto* stateless persons are not classified as refugees. The concept of statelessness is not simple enough to disentangle all the intricacies within it. Many stateless persons neither benefitted under the 1951 Convention as they were not 'refugees' nor did they get any benefit under the 1954 Convention as they were not *de jure* stateless persons. In this way, *de facto* stateless individuals become one of the most vulnerable groups subject to statelessness.

CAUSES OF STATELESSNESS

Statelessness is caused by a range of multiple factors depending upon the political scenario and individual circumstances at a particular time and place. Some of the causes are discussed below:

State Succession: It refers to a process in which the creation of a new state takes place or legal sovereignty is transferred from one state to another over a given territory. In the course of this process, the local people living in the region may be displaced or find themselves without

⁸ *Ibid*

⁹ Mezzera Mateo Verdias and Duggal Kabir A.N., 'Dominant and Effective Nationality' (*Jus Mundi*, 20 June 2023) <<https://jusmundi.com/en/document/publication/en-dominant-and-effective-nationality#>> accessed 17 July 2023

¹⁰ Katherine Perks and Amal de Chickera, 'The Silent Stateless and the Unhearing World: Can Equality Compel Us to Listen' (2009) 3 Equal Rights Review <<https://www.equalrightstrust.org/ertdocumentbank/perks%20and%20chickera.pdf>> accessed 17 July 2023

citizenship and nationality.¹¹ It might happen because of the change in the nationality laws or the simple loss of nationality because they were the nationals of the old state. The Russian population living in Latvia is a good example of statelessness caused by state succession because after Latvia gained independence in 1991, it adopted restrictive nationality laws.

Conflict of Laws: There have been instances when a conflict of laws has caused statelessness right from the birth of the individual. Generally, the states follow one of the two doctrines based on which the determination of nationality takes place. The first doctrine is *jus sanguinis*, under which nationality is granted by descent. The second doctrine is *jus soli* under which the nationality of the child is determined by the place of birth.¹² So, a person born to parents who are citizens of a foreign country could become stateless if the country where they were born confers citizenship based on descent, while the country of their parents only confers citizenship based on the location of birth. For example, a child is born to US citizens in Turkey, where the *jus sanguinis* doctrine is followed and if he is not naturalized in the US, he may become stateless.

Gender Discrimination: The laws of various states determining nationality have linked the citizenship of women with their marriage. If a woman is married to a person who is a national of a particular state, she will also acquire her nationality. But, in case of her divorce or her husband's death, she will lose her nationality due to the termination of her marriage. Also, if she marries a person from another state, her home state shall deprive her of nationality upon the marriage. It can be said that women are too susceptible to statelessness. However, countries like Sri Lanka, Egypt, Iraq, Algeria, Indonesia, Morocco, Bangladesh, Zimbabwe, Kenya, Tunisia, and Monaco have made changes in their laws to grant women equal rights as men to pass their nationality to future generations.¹³

¹¹ Jeffrey L. Blackman, 'State Successions and Statelessness: The Emerging Right to an Effective Nationality Under International Law' (1998) 19(4) Michigan Journal of International Law 1141, 1152

¹² 'Jus Sanguinis' (*Oxford Reference*)

<<https://www.oxfordreference.com/display/10.1093/oi/authority.20110803100027515;jsessionid=26164590D471FE4DD108BA106CE83C0F>> accessed 18 July 2023

¹³ 'Unequal treatment of women risks creating statelessness in at least 25 countries' (*UN High Commissioner for Refugees*, 08 March 2012) <<https://www.unhcr.org/news/news-releases/unequal-treatment-women-risks-creating-statelessness-least-25-countries>> accessed 18 July 2023

Discrimination: Discrimination on any ground is strictly prohibited and may jeopardize the nationality of any person. Article 5¹⁴ of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) prohibits the deprivation of nationality on any discriminatory grounds. Despite having such stringent provisions, people are being denied citizenship on grounds of ethnicity, religion, race, etc. The Rohingyas in Myanmar and Kurds in Syria are said to be prime examples of the same.

Inefficient Administrative Practices: The troublesome administrative practices and red-tapism are major obstacles that stateless persons face to acquiring nationality despite being eligible. Unreasonable delays and high administrative fees for the procedures make it quite a tedious task to complete the registration and acquisition of nationality. Lack of legal assistance due to their uncertain status adds up to their vulnerability.

CHALLENGES AND VULNERABILITIES

Not having any nationality brings about rightlessness which is directly attributable to the hardships and misery of the stateless populations. “The right to a nationality has been described as the right to have rights”.¹⁵ The kinds of challenges these individuals face vary according to the circumstances and the cause of their statelessness. The issues and problems faced by the victims of statelessness are discussed below to broach their affliction and vulnerability.

LACK OF LEGAL RECOGNITION

Nationality secures the identity of an individual and entitles him to the basic rights that one can exercise to prevent all sorts of discrimination and exploitation. But these basic rights are conferred upon the citizens of a country who hold its nationality, leaving the stateless persons devoid of these rights. Article 15¹⁶ of the Universal Declaration of Human Rights (UDHR) states that ‘everyone should have the right to a nationality’. Despite such a determined affirmation, millions of people are stateless without legal recognition.

¹⁴ International Convention on the Elimination of All Forms of Racial Discrimination 1965, art 5

¹⁵ *Trop v Dulles* [1958] 356 US 86, 101

¹⁶ Universal Declaration of Human Rights 1948, art 15

DISCRIMINATION

The 1954 Convention contains provisions for the recognition of stateless persons and extends the responsibilities of the states to assist them. Seemingly, the Convention facilitates the assistance for these persons but the effect of its provisions is far away from augmenting their betterment. The bottom-line issue of discrimination must be the top priority for the states. However, the 1954 Convention has not addressed it to the required extent. Article 3¹⁷ of the Convention is the non-discrimination clause which prohibits discrimination against stateless persons on the grounds of race, religion, or country of origin. It does not prohibit discrimination based on nationality which is the leading and most prevalent ground of discrimination against these persons.

Further, Article 7¹⁸ of the Convention explicitly states that except for the operation of more favorable provisions, the stateless persons shall be treated in a similar way as the aliens. Various other provisions stipulate no better treatment to the stateless persons than the aliens unless they have been staying 'lawfully' in a contracting state. Article 15¹⁹ ensures favorable treatment to the stateless persons concerning non-political and non-profitable associations only if they have lawfully stayed in the territory. Article 17²⁰ gives the stateless persons the 'right to engage in wage employment' with no better status than that of an alien.

The ambiguity of the term 'lawful stay' used in several provisions is played against the stateless persons because there are no uniform parameters to regard it as such. All the contracting states differ in their understanding of lawful stay. It may be an automatic conferment of the right to residence given to a stateless person for a given period or a special permit to own a residence to fulfill the criterion of lawful stay.²¹ The entrenchment of sovereignty interests at the cost of victimization of the stateless makes the situation even more vulnerable. The insufficient ratification of the 1954 Convention is a major hindrance in addressing the issue of statelessness

¹⁷ Convention Relating to the Status of Stateless Persons 1954, art 3

¹⁸ Convention Relating to the Status of Stateless Persons 1954, art 7

¹⁹ Convention Relating to the Status of Stateless Persons 1954, art 15

²⁰ Convention Relating to the Status of Stateless Persons 1954, art 17

²¹ Perks (n 10)

affirmatively. The existing lacuna in its provisions needs to be blotted out and the scope should be extended so that stateless persons may be effectively benefitted.

LIMITED OPPORTUNITIES AND ASSISTANCE

The right to nationality provided by the UDHR²² impliedly emphasises 'effective nationality'.²³ An ineffective nationality is of no use or value. Not providing nationality by the law in effect results in the transgression of all the other rights for the stateless. No protection is guaranteed to the so-classified *de facto* stateless persons. Their lack or absence of legal status does not allow them to exercise the economic opportunities available in the region. Even if they get any employment, it comes with an inadequate salary and no legal protection. They also remain deprived of other basic and essential amenities such as healthcare, education, etc. They often face issues regarding travel restrictions, trafficking in persons, forced displacement, and other abuses.²⁴ The discrimination coupled with ethnocentrism in the region becomes a major reason for the exploitation and human rights abuse of these stateless individuals.

CASE STUDY: PALESTINIANS AND *DE JURE* STATELESSNESS

The Israeli incorporation regime stretches its dominance over Palestinian Arabs and denies them formal membership as they are non-Jew inhabitants.²⁵ The stateless Palestinians fall into three categories:²⁶

- Holders of Refugee Travel Documents (RTD) issued by some Arab countries;
- Holders of Jordanian passports (nationality of convenience);
- Holders of Palestinian passports issued by the Palestinian Authority (PA).

²² Universal Declaration of Human Rights 1948, art 15

²³ Verdias (n 9)

²⁴ 'Statelessness' (U.S. Department of State) <<https://www.state.gov/other-policy/issues/statelessness/#:~:text=While%20some%20people%20are%20de,the%20laws%20of%20one%20or>> accessed 20 July 2023

²⁵ Shourideh C. Molavi, 'THE ANATOMY OF STATELESS CITIZENSHIP' in Shourideh C. Molavi (ed), *Stateless Citizenship: The Palestinian-Arab Citizens of Israel* (Brill 2013)

²⁶ Abbas Shiblak, 'Stateless Palestinians' (2006) Forced Migration Review <<https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/palestine/shiblak.pdf>> accessed 21 July 2023

As per the Partition Plan for Palestine, all the inhabitants in the region were supposed to be granted citizenship and nationality as set out in UN Resolution 181 of 1947.²⁷ However, after the withdrawal of Britain’s mandate in 1948, Israel was entitled to determine the nationalities of all inhabitants. Israel views all Palestinian residents living in the occupied Palestinian territory (OPT) as individuals who lack citizenship and are considered foreign inhabitants.²⁸ Changing the status of people to render them non-citizens violates their right to nationality as mandated by the UDHR.

Today, a large number of stateless persons from all over the Middle East including the Palestinians are determined to risk their lives only to escape the torture and their precarious situation. The obscure resident status has compelled more than 2,00,000 Palestinians to seek asylums in Europe as stateless holders of RTDs issued by Lebanon or Egypt. The Canadian courts have also reviewed the claims for asylums and they observed discrimination against Palestinians as a major problem leading to their statelessness.²⁹ The Court of Justice of the European Union also considered the statelessness of Palestinians and held that they shall not be denied their right to seek asylum in Hungary.³⁰ As concluded by the U.S. authorities too, the expulsion of the stateless Palestinians or denial of re-entry in the country of one’s last habitual residence is a violation of human rights and all the other rights flowing through the same.³¹

CASE STUDY: THE STATELESS ROHINGYAS

The Rohingya people are one of the largest stateless communities in the world.³² They are the linguistic and religious minority living in the Rakhine state of Myanmar for decades.³³ Despite their prolonged presence in the region, they face exploitation and discrimination based on their

²⁷ ‘The Question of Palestine and General Assembly’ (*United Nations*) <<https://www.un.org/unispal/data-collection/general-assembly/>> accessed 21 July 2023

²⁸ Shiblak (n 26)

²⁹ Maryellen Fullerton, ‘Without Protection: Refugees and Statelessness - A Commentary and Challenge’ (*SSRN*, 09 August 2013) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2307531> accessed 21 July 2023

³⁰ *Ibid*

³¹ *Ibid*

³² ‘Rohingya Refugee Crisis Explained’ (*United Nations High Commissioner for Refugees*, 13 July 2022) <<https://www.unrefugees.org/news/rohingya-refugee-crisis-explained/#Rohingya>> accessed 21 July 2023

³³ *Ibid*

ethnicity and are denied citizenship. Many Rohingya refugees are living in precarious conditions in the camps set out in Bangladesh. They have also sought refuge in other neighboring countries like Thailand and India.³⁴

Since the independence of Myanmar in 1948, the Rohingya community has been living with a dearth of even basic rights. After the military coup of 1962, the situation worsened and more restrictions were imposed on the Rohingyas.³⁵ Following the violent attacks by the military and of Myanmar, an exodus of the Rohingyas to Bangladesh took place in 1977-78 that resulted in a fervent abuse of their human rights.³⁶

The 1982 citizenship law enacted by the military regime of Myanmar explicitly deprived citizenship to the Rohingya community. The regime did not provide any legal status to them, neither a citizen nor a foreigner. The Burmese government considers them 'Myanmar residents' who had immigrated from Bangladesh to Myanmar.³⁷ The later generations of these people were also devoid of legal protection, albeit they need to be protected as refugees as the fear of persecution by their home state is well-founded within them. They require protection under suitable conventions to improve the quality of their lives. They live obnoxious lives in the camps where face myriad difficulties. Recently in 2021, when Bangladesh experienced heavy monsoons, the Rohingyas living in the camps suffered immense hardships that even took the lives of some of them. More than 20,000 people in the community were affected. Such monsoons, the recent pandemic, or other natural calamities put these people in an even deeper quandary. The assistance through the UNHCR, by way of their volunteering teams, needs to be dispensed effectively so that there can be slight mitigation in the abuse of human rights for the time being.

³⁴ *Ibid*

³⁵ 'Unravelling Anomaly: Detention, Discrimination and the Protection Needs of Stateless Persons' (*Refworld*, 19 July 2010) <<https://www.refworld.org/docid/5034fbc2.html>> accessed 24 July 2023

³⁶ *Ibid*

³⁷ *Ibid*

THE NEED FOR ACCESS TO JUSTICE FOR THE STATELESS

The universally-conforming principle of the rule of law³⁸ encompasses the accessibility of justice for everyone. 'Access to justice' refers to 'a right which the people may exercise to access the judicial or quasi-judicial authorities of the state for the redressal of their grievances'.³⁹ The right access to justice is crucial for stateless persons to prevent their torture and protect their rights. Access to justice and legal assistance must be guaranteed to immigrants and stateless individuals because they have been subject to the abuse of human rights to a large extent for decades. Non-nationality, lack of legal status, and exploitation induce the fear of detention and penalty in their minds which takes them far away from access to legal protection and thus, they fail to get the existing provisions and laws implemented in their favour. The denial of access to justice implies the sheer denial of other human rights. Also, the situation of denial of access to justice is that of injustice which means that stateless persons live under unjust circumstances only. They remain susceptible to discrimination and arbitrary detention or deportation. A proper mechanism for the recognition of the stateless is required based on which the need for just implementation of legal frameworks should be realized.

There has been the enforcement of several conventions and immigration laws to govern the movement and legal status of stateless persons. But, the practical facet of these legal frameworks has put human rights in jeopardy. A balance between immigration laws and human rights should be maintained which may also ensure compliance of basic standards that are required to be achieved for upholding the rule of law.⁴⁰

³⁸ Naomi Choi, 'Rule of law' (*Encyclopedia Britannica*, 13 July 2023) <<https://www.britannica.com/topic/rule-of-law>> accessed 24 July 2023

³⁹ 'Programming for Justice: Access for All - A Practitioner's Guide to a Human Rights-Based Approach to Access to Justice' (*United Nations and the Rule of Law*, 2005) <<https://www.un.org/ruleoflaw/blog/document/programming-for-justice-access-for-all-a-practitioners-guide-to-a-human-rights-based-approach-to-access-to-justice/>> accessed 23 July 2023

⁴⁰ Siddhartha Gupta, 'THE INTERSECTION BETWEEN IMMIGRATION LAWS AND HUMAN RIGHTS' (*Jus Corpus Law Journal*, 22 April 2023) <<https://www.juscorpus.com/the-intersection-between-immigration-laws-and-human-rights/>> accessed 24 July 2023

THE LEGAL FRAMEWORKS AND STRATEGIES

On account of pervasive statelessness across the world, several conventions and covenants have been introduced to ameliorate the miserable situation of stateless persons. The 1954 Convention⁴¹ was adopted to regulate and improve the status of stateless persons who are not given any protection in any other international agreement. Having said that, there are a few lacunae existing in the provisions of the 1954 Convention which make it difficult for needy stateless individuals to get protection under the same.⁴² The neglect of *de facto* stateless persons from the convention refutes the idea of protection for all the survivors of statelessness.

The Convention on Reduction of Statelessness 1961⁴³ (hereinafter referred to as the 1961 Convention) is a part of the international legal framework to address the problem of statelessness. It has taken millions of stateless persons into consideration and it aims at reducing statelessness by providing effective nationality to as many persons as possible. It contains provisions for preventing more people from becoming stateless which ultimately reduces statelessness over time. One of the objectives of this convention is to bring domestic legislation in line with the safeguards provided in it to prevent future statelessness. It envisions the contracting states applying the safeguards retroactively and allowing them to acquire nationality later. Article 8⁴⁴ of the convention states, “*A Contracting State shall not deprive a person of its nationality if such deprivation would render him stateless*”. It prohibits any act or omission on the part of the state which may render a person stateless. The convention has also addressed state succession which is a serious cause of statelessness. Article 10⁴⁵ mandates that the contracting states must ensure that in case of state succession or transfer of sovereignty, the treaty acknowledging such transfer shall include the provision of secure nationality of the people who may suffer due to the succession. By the way of implementing such provisions, the convention seeks to engender a reduction in statelessness and maintain social stability. The

⁴¹ Convention Relating to the Status of Stateless Persons 1954, art 1(1)

⁴² Perks (n 10)

⁴³ Convention on the Reduction of Statelessness 1961

⁴⁴ Convention on the Reduction of Statelessness 1961, art 8

⁴⁵ Convention on the Reduction of Statelessness 1961, art 10

International Covenant on Civil and Political Rights (ICCPR)⁴⁶ is a human rights treaty containing safeguards for the civil and political rights of people. The ICCPR addresses the issue of statelessness through several provisions, including its provisions on ‘non-discrimination’ (Article 2)⁴⁷, ‘equality between men and women’ (Articles 3 and 23)⁴⁸ and the ‘right of every child to acquire a nationality’ (Article 24)⁴⁹. The Human Rights Committee meets thrice a year to supervise and track the implementation of the ICCPR. It also ties up with NGOs and other organizations to take the record of violations of human rights and create awareness to prevent them. The UN Committee on Economic, Social and Cultural Rights (CESCR) under the International Covenant on Economic Social and Cultural Rights (ICESCR)⁵⁰ stated that the right to Covenant rights should not be restricted based on nationality. These rights apply to all individuals, irrespective of their legal status.

It is to be noted that the above-discussed and other legal frameworks have dealt with the statelessness meticulously but insufficient ratification remains a major bottleneck in their implementation. The 1954 Convention has been signed by 80 states only⁵¹, whereas the 1961 Convention has 55 state parties.⁵² This suggests that stronger and more progressive efforts should be made to persuade more states to ratify these conventions to reduce statelessness. The United Nations High Commission for Refugees (UNHCR) needs to assist the states effectively to bring a reduction in statelessness by giving operational support and promoting the measures for the same that are enshrined in the conventions. The need for accession to the 1961 Convention should be realized by which the states may demonstrate their commitment to the protection of human rights. The implementation of its provisions is not costly or laborious and no intensive formal procedures are to be followed.⁵³ Acceding to this convention all the states will mobilise international support for the stateless persons.

⁴⁶ International Covenant on Civil and Political Rights 1966

⁴⁷ International Covenant on Civil and Political Rights 1966, art 2

⁴⁸ International Covenant on Civil and Political Rights 1966, art 3

⁴⁹ International Covenant on Civil and Political Rights 1961, art 24

⁵⁰ International Covenant on Economic, Social and Cultural Rights 1966

⁵¹ Convention Relating to The Status of Stateless Persons 1954

⁵² *Ibid*

⁵³ Unravelling Anomaly: Detention, Discrimination and the Protection Needs of Stateless Persons (n 35)

CONCLUSION

Statelessness has been a prevalent yet ignored issue worldwide. The several causes that trigger statelessness have multiple effects out of which statelessness is rendered inconsequential. The ratification standards of the existing legal frameworks evince the apathetic attitude of the states on this issue. The complicated nature of the concept of statelessness needs to be taken in discourse. Indeed, the categorization of stateless individuals is an important step toward preventing and reducing statelessness. However, mere categorization does not solve the issue at hand. The vulnerability of the stateless can be done away with by acceding to the related conventions and implementing their provisions in line with human rights.

Owing to their uncertain legal status and statelessness, these people are unable to access the legal authorities for any kind of assistance. The recognition of stateless persons and reducing statelessness by granting citizenship to such persons under the law will ensure the fundamental rights that flow from the basic right of nationality. These persons may also exercise their right to access justice and get other rights enforced. The reduction of statelessness should be prioritized by the states over preserving their sovereignty so that the abuse of human rights against the stateless may be eliminated.