

**STATELESSNESS; A REALITY OR ILLUSION? FINDING ANSWERS IN
INTERNATIONAL LAW**

Nathaniel Ejeh*

Abstract

The issue of statelessness is a significant and concerning development within the realm of international law, albeit one that receives less attention. This phenomenon has the potential to be quite alarming and unacceptable, with catastrophic consequences that can only be imagined rather than experienced. Those affected by statelessness finds themselves vulnerable, lacking a secured statehood necessary to access their basic fundamental rights fully. Statelessness typically arises as a result of insecurity, instability, circumstances of birth and in rare cases actions taken by a state, which subsequently lead to lack of proof of nationality for the individual concerned. In this modern era individuals without a recognised nationality face increasing difficulty in functioning within the society. Stateless persons are extremely vulnerable and completely defenceless. The Convention Relating to the Status of Stateless Persons 1954 and the Convention on the Reduction of Statelessness 1961 both provided comprehensive provisions about the fundamental and inalienable rights of stateless persons within the territory of a contracting party that is signatory to the respective conventions. However, the question remains as to whether these international legal frameworks are adequate to address the issue at hand.

Keywords: *Stateless, Statelessness, Rights, Nationality, Citizenship.*

Introduction

The notion of statelessness and denial of citizenship pose a grievous challenge to the well-being of affected persons, peace and security globally. Arguably the concept of statelessness originated from the garden of Eden¹ where according to Biblical record Adam was expelled from his bona fide state, from that instance he ceased to be a citizen of his original state and became stateless with its attendant negative consequences. Culturally, statelessness (banishment) was a punitive

*LLB (ABU) LLM (ABU) BL.ChrisnateAnd Associates, 25 Agades Street Wuse Ii, Abuja Nigeria. Email: nathaniel.ejeh@yahoo.com, Tel: +234 8030807922.

¹ Genesis Chapter 3 vs 23 (New International Version) So the Lord God banished him from the Garden of Eden. It can safely be asserted that immediately thereafter Adam became Stateless with all the negative effects.

instrument in the hands of ancient kingdoms to punish miscreants and recalcitrant persons.² To put this idea in proper perspective, the Black Law Dictionary defines it as “a natural person who is not considered a national by any country”³ The major international framework that codified the doctrine of stateless persons put it more succinctly; “stateless persons means person who is not considered as a national by any State under the operations of its law.”⁴

Millions across the globe are negatively affected by the horrors of statelessness. The effect makes persons in this category extremely vulnerable to dehumanising and exploitative tendencies by authorities and persons they live in their territories.⁵ The highest population of stateless persons reside in Cote de Voire, Myanmar, Palestine, Yemen and Bangladesh⁶. In 1986 the government of Mauritania revoked the citizenship of over 60,000 black Mauritians thereby exposing them to unimaginable hardship and degrading experiences.⁷

In Syria, the state used the guise of census to stripe more than 120,000 Kurds of their citizenship, this ugly 1962 event dealt a devastating blow to the socio-economic rights of the Kurds till this very moment.⁸ The overriding implications and far-reaching negative consequences of statelessness on the political, economic, social and cultural rights is a scar on the conscience of the Universal Declaration of Human Rights 1949 and other continental and regional legal frameworks.

Historical Background

No human exists without belonging to a community. There is hardly a community that does not belong to a state. Hence, it is intellectually intriguing, politically challenging and demanding to contemplate a person without a state. This write-up will attempt to deconstruct the mystical

²C Craft, *Christianity and Culture* (OrbisBooks New York, 1979. p 52).

³G A Bryan, *Black's Law Dictionary*, Eight Edition, 2004, p1444.

⁴ Article 1 Convention Relating to the Status of Stateless Persons 1954.

⁵ UNHCH; ‘The UN Refugee Agency Press Release, Abidjan Cote d’Ivoire’ 7th May, 2019.

⁶MunirUzZaman, *Statelessness Around the World*, Council for Foreign Relations Education. <https://education.cfr.org>. accessed 23rd April, 2024.

⁷‘Statelessness and the democratic transition in Mauritania. The Situation of Mauritanian Expellees in Context’ Institute for Human Rights and Development in Africa Open Society Justice Initiative, April 2007. <<https://www.ihrda.org>. Accessed 23rd April, 2024.

⁸ Available <www.world101.cfr.org> accessed 23rd April 2024.

phenomenon of a person without a state. It is proper to render some key words into historical operational journey that can be concretely pinpointed in their proper context.

State is described by early social thinkers including John Locke as a construct consisting significant submission of individuals rights to the construct as an artificial person and impartial arbiter; without which they would be war of men against men.⁹ Thomas Hobbes posited that state is a contract between individuals that the sovereign owes his authority to the will of those he governs and is obliged to protect the interests of the governed by assuring civil peace and security, life outside society would be solitary, poor, nasty, brutish and short¹⁰

What is implied in this characterization of the theory of state, is that, the state whether modern or medieval or centuries away embodies distinct geographic location, definite boundary, population, governments or administrators, administrative units, bureaucracy, laws, identity, culture, relationships with other states; sovereignty which represents the power of the state to make laws and enforce it within her jurisdiction.¹¹

Statelessness is not limited to persons alone; states can equally be stateless.¹² There are plenty stateless nations in the world today. The Kurds are one of the largest stateless nations, with over 20 million people dispersed across six countries others are the Palestinians, Roma and the rest.¹³

Jurisprudential Twist to Statelessness

In an attempt to jurisprudentially inquire into this concept, one point must be made clear, that is the role of justice in statelessness. Whatever its definitive interpretation maybe is in itself a moral value, that is, one of the aims or purposes which man set himself in order to attain the good of life. What then is good life without an identity traceable to a state? Therefore, it is incumbent on

⁹ J Locke, *Two Treatises of Government* (London Printed Awnfham Churchill, at the Black Sawn in Ave -Mary-lane, by Amen Corner 1690).

¹⁰ H Thomas; K; Leviathan (Baltimore; Penguin Books, 698).

¹¹ Ole Spiermann. General legal characteristics of states; view from the past of the permanent court of international justice. <https://cambridge.org>. accessed 23rd May, 2024.

¹² J W Friend, *Stateless Nations Western European Regional Nationalisms and the Old National*. Palgrave, 2012) 23.,

¹³ J Minahan, *Encyclopaedia of Stateless Nations; Ethnic and National Groups around the World* (Greenwood Westport Ct USA 2002) 29.

the part of the state to change the status of stateless persons into nationals or citizens for the purpose of derivative benefits.

If all the moral purposes of human life are about “the good” then the idea of justice is no more than one of the various ‘goods’ which morality set before mankind¹⁴ on the subject of stateless persons and their plight in their country of residence. A particular ‘good’ may function either as a means or as an end in itself.¹⁵ So, it will be a general good scenario both for stateless persons and the state to be accorded nationality where they reside.

Platonic idea of justice is that the microcosm of a just man is a reflection of the pattern of a just society. He therefore, perceived justice to be situated within a sphere and that justice means conforming to that sphere. An ideal society must be just within the context of nationality to all residence.¹⁶ Hence in modern era, equality has been regarded as the very essence of justice. It is indeed the attainment of equality, not the preserving of inequality, that modern moral and legal philosophy treat as the vital function of justice¹⁷ and that is exactly what most stateless persons are asking for equality of nationality.¹⁸

Contextual Analysis of the Concept.

People are inadvertently or by agitation for self-determination trapped in the non-enviable status of statelessness. The Palestine and Gaza, Rohingya people in Nepal are all classical examples of stateless persons. Refugees displaced from their countries to enjoy limited opportunities in foreign land are in reality stateless citizens because they are not in position to access their full rights as citizens of their foreign countries in foreign shelters. This brings to mind de jure statelessness and defector statelessness.¹⁹ International law does not provide a legal definition of de factor statelessness. However, a person is so considered when; they have a nationality but reside outside the territory of their country of nationality, and are unable or unwilling (for valid reasons) to have recourse to the protection of that country. The de factor occurs when a person is

¹⁴ D Lloyd, *The Idea of Law* (Penguin Books England, 1964) 177.

¹⁵ Ibid.

¹⁶ Plato, *The Republic* (Vintage Classic Books, New York. 1991) 146.

¹⁷ Dennis (n 11)119.

¹⁸ Statelessness in Syria; Al Jazeera Television Documentary 8:30pm (GMT) 7th June, 2024.

¹⁹ P McMullin, *Centre on Stateless* (University of Melbourne (factsheet)3.

a citizen of a state but has been forced out of his home state as a result of war, natural disasters, repressive regimes etc.

The de jure statelessness has ab initio protracted problem of achieving statehood like Palestine, Gaza and Rohingya. A person is de jure stateless when they meet the international legal definition of statelessness; they do not have a nationality under the laws of any country.²⁰

In the first quarter of 2024 the UNHCR²¹ raised a worrisome alarm that millions of people around the world are denied a nationality. Over 11 million persons are at the risk of statelessness globally²² The manifestation of this is that they often are not allowed to go to school, see a doctor, get a job, open a bank account, belong to an association, buy a house and in some extreme cases even getting married.²³ Without the aforementioned things that are unarguably necessities for existence and recreation of citizens, they are prone to face a lifetime of obstacles and disappointment.

Thus, UNHCR, has made it an ultimate goal to end worldwide statelessness by the year 2024, enjoining everyone to 'Please Take Action' and become part of the IBelong Campaign to end this injustice against mankind. The launch of IBelong Campaign in 2014 with the goal of ending statelessness within 10 years is still very far from achieving its set objectives and aspirations having just six months to the end of 2024 (as at the time of writing this).

The Challenges Faced by Stateless Persons

A stateless person being someone who is not considered to be a citizen by any State on the basis of its national laws is bedevilled with avalanche of challenges in spite of the well-thought-out intention and content of the provisions of ²⁴ Convention on the Reduction of Stateless persons 1961.

²⁰ Ibid 4.

²¹ UNHCR 2024 First Quarter Report. <https://www.unhcr.org>> accessed 24thApril, 2024

²² UNCHR, '2023 Global Compact on Refugees Indicator Report' <https://www.unhcr.org>.accessed 24th May, 2024.

²³UNHCR, 'The State of World's Refugees; Fifty Years of Humanitarian Action', New York; Oxford University Press, 2000 <<http://www.unhcr.ch/pubs/sowr2000/sowr2000toc.htm>> accessed 24 April 2024.

²⁴ Section 9 of the 1961 Convention on the Reduction of Stateless Persons.

Nationality acquisition varies from country to country likewise the circumstances necessitating the deprivation of it. These may depend on the place of birth, territory of residence, the nationality of the parents, or of the father or the mother etc. Lack of national identity is a major challenge faced by stateless persons.

Is it possible to lose nationality even one legally acquired or to have it revoked by law? What are the circumstances that can lead to that? This may happen, for instance, through a marriage or a birth outside the country of which the parents are a national, which can result in the loss of that nationality but without the certainty that the person in question will acquire a different one. Events such as territorial transfers, decolonisation, or the disintegration, breakup, or creation of a State may in question to all persons residing on the territory concerned.

Stateless persons pose a serious problem to the international community that is organised around the concept of nationality. Individuals are protected as a result of their national legal status, since they do not have an autonomous international legal personality like the state thus.

Hence in times of conflict, a party to a conflict is legally forbidden from considering stateless persons as enemies and must ensure their safety and grant them the protection provided to all civilians.²⁵ Stateless persons must also be granted the rights due to foreign nationals who find themselves on the territory of a party to a conflict²⁶ which is; all protected persons who may desire to leave the territory at the outset of, or during a conflict, shall be entitled to do so.

However, stateless persons are overwhelmed with many challenges which in most cases start from the cradle and end in the grave. Few of such challenges include but not limited to: discrimination²⁷ denied access to birth registration, education, health care, job opportunities, marriage and the unimaginable fact of the denial of dignity of an official burial and a death certificate.²⁸

²⁵ Article 73 of the Protocol Additional to the Geneva Convention of 121 August, 1949 and relating to the Protection of victims of International Armed Conflicts (Protocol 1) of 8 June 1977.

²⁶ Article 35 of the Geneva Convention {IV} on civilians, 1949.

²⁷ Section 42, 1999 Constitution of the Federal Republic of Nigeria (as amended).

²⁸ <<https://www.unhcr.org>>Ibelong. accessed 2 June 2024

Stateless persons experience travel restrictions, social exclusion and heightened vulnerability to sexual and physical violence, exploitation, trafficking in persons, forced displacement and other numerous abuses.²⁹ To add insult to injury, due to lack of identity, stateless persons can not complain to the authorities that ought to provide protection for them.

Causes of Statelessness

In as much as “ everyone has the right to a nationality”³⁰some people are born stateless while others found themselves stateless. Nationality is automatically acquired at birth (jus sanguinis-meaning law of the blood), either through parents or by virtue of being born in a particular country.³¹ (jus soli-meaning law of the soil).

In Nigeria for instance, there are three ways in which citizenship can be acquired; by birth³² registration³³ and by naturalisation³⁴. Dual citizenship is legally permissible in Nigeria. Therefore, a citizen of Nigeria can equally and simultaneously be a citizen of another state.³⁵ The nuances here is that deprivation of citizenship³⁶ is possible only if the status of the citizen was acquired either by naturalisation or registration but if it is acquired through birth the State cannot deprive such person his or her citizenship.³⁷

However, one or more of the following factors can give rise to statelessness. A significant cause of statelessness is discrimination based on race, ethnicity, religion, language or gender. Non-inclusion of specific groups in the body of citizens for discriminatory reasons is linked to protracted and large-scale statelessness in the country of birth.

²⁹ US Department of State. ‘Statelessness Bureau of Population, Refugee and Migration’ <<https://www.State.gov>> accessed 2 June 2024

³⁰ Article 15 (1) Universal Declaration of Human Rights, 1948.

³¹ Section 25, Constitution of the Federal Republic of Nigeria 1999 (As amended).

³² Section 25 (1). 1999 Constitution of the Federal Republic of Nigeria (As amended).

³³ Section 26 (1) *ibid*.

³⁴ Section 27 (1) *Ibid*.

³⁵ Section 28 (1-2) *Ibid*.

³⁶ Article 15 (2) of the Universal Declaration of Human Rights 1948 (No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality).

³⁷ Section 30 (1&2) *Ibid*.

States can also deprive citizens of their nationality through changes in law using discriminatory criteria that leave whole populations stateless.³⁸ In fact, the majority of the world known stateless populations belong to minority groups. Gender discrimination in nationality laws is a significant cause of childhood statelessness. The laws of 25 countries do not allow women to pass on their nationality on an equal basis with men.³⁹ Consequently, children can be left stateless when fathers are stateless, unknown, missing or deceased.

Different countries have different laws motivated by different principles of statecraft, national history, existential issues and cross-cutting sentiments; which relatively create gaps in nationality laws, these are significant determinant of statelessness. Every state has laws under which someone acquires nationality⁴⁰ or can have it withdrawn⁴¹ if these laws are not carefully and inclusively drafted and correctly applied, some people will inevitably be excluded and left stateless.

For instance, children whose parents are unknown like dumped infants, in a country where nationality is acquired based on descent from a national. Fortunately, most nationality laws recognise them as national of the state in which they are found.

Migration is another challenge. Migration may change a person's position under the applicable nationality laws, making it very challenging for the person to retain his or her citizenship.⁴² When people migrate from countries of their births as a result of conflict or humanitarian disaster to another country where unfavourable nationality law gives rise to risk of statelessness. Often times stateless migrants are target of xenophobic attitudes more so if they belong to vulnerable minority groups.⁴³ A child born in a foreign country can risk becoming stateless if that country does not permit nationality based on birth alone (*jus sanguinis*) and if the country of origin does not allow a parent to pass on nationality to children born abroad.

³⁸ Stateless Nations-the Encyclopaedia of World problems. 'About 20 million Kurds are stateless spreading across Turkey, Iran and Syria' <<http://encyclopedia.uia.org>>. 3rd June, 2024.

³⁹ B Emma, 'The sexiest' nationality laws that leave children stateless' Published June 13, 2023 <<https://www.context.news>> accessed 14 April 2024

⁴⁰ (n 14) Section 25,26 and 27.

⁴¹ (n 14) Section 30 subsection 1 and 2.

⁴² <<https://www weblog.iom.int>> accessed 14th April 2024

⁴³ Ibid

Continuous creation of new States in response to endless agitations and global dynamics is another cause.⁴⁴ The emergence of new states leads to reviews of geospatial delineation resulting in adjustment of borders. In numerous cases specific groups are prone to be left without a nationality and even conditions permit the incorporations of ethnic minorities in the principles of nationality for all, ethnic, racial and religious minority often experience trouble improving their connection to the mainstream country. In countries where nationality is only acquired in a top-bottom descent from a national, statelessness will be imposed on to the next generation.

Another crucial factor worth analysing is that lack of civic documentation may result to statelessness in the status of an individual if they fail to prove that they have link to a State. Being undocumented does not necessarily connote stateless status.⁴⁵ However, lack of birth registration can put people at risk of statelessness as a birth certificate provides proof of where a person was born and parentage-key information needed to establish a nationality.⁴⁶

Statelessness is fraught with life-long impacts on those it affects. The millions of affected people around the world who are denied a nationality are often not considered entitled to many basic human rights and social insurance packages that most people takes for granted.⁴⁷

Often, they are excluded from birth to end of life time being denied a legal identity when they are born. Access to necessities of life or things that makes life liveable and enjoyable remain a mirage to stateless persons during their lifetime and even in death.⁴⁸ In some circumstances also denied the dignity of an official burial and a death certificate when they die. This becomes a circle of generational exclusion, when children born by stateless parents continue with stateless status, who then pass it on to the next generation.⁴⁹

⁴⁴ US Department of State. "The aftermath of world war II and the reconfiguration of nation states created a surge of stateless population" <www.state.gov> accessed 15th May, 2024

⁴⁵ UNCHR reporting on Statelessness posited that lack of proper documentation and metadata information could actually lead to statelessness <<https://www.unhcr.org> accessed 15th May, 2024

⁴⁶ UNICEF, 'A Statistical profile of birth registration in Africa', November 2020. <<https://data.unicef.org/resource/a-statistical-profile-of-birth-registration-in-africa/>> 26th May, 2024.

⁴⁷ UNHCR; 2023 Global Compact on Refugees Indicator Report November, 2023.

⁴⁸ S L Mira, *Statelessness A Modern History*. Harvard University Press. (2020).

⁴⁹ Ibid.

International Instruments against Statelessness

There are two significant efforts aimed at changing the international legal order from awareness creation, protection and the institutionalisation of the concept of statelessness in the conscience of international organisations and states actors. Many countries have ratified treaties or conventions that try to establish minimum guarantees for stateless persons and aim to reduce it to the barest minimum all the conditions that may cause statelessness.

Convention Relating to the Status of Stateless Persons 1954

In an international coordinated effort to recognise and ameliorate the sufferings of Stateless persons, The United Nations General Assembly convened a conference of Plenipotentiaries and drafted an international treaty on refugees and stateless persons in 1951. The same year, the Convention relating to the Status of Refugees was adopted remaining that of stateless persons. International negotiations continued up until 28th September, 1954 when the Convention relating to the Status of Stateless persons was adopted and entered into force on 6th June, 1960.

It has 86 state parties. This Convention set a minimum international status that must be granted to stateless persons. The Convention in principle tried to remind state parties of minimum rights that stateless persons must enjoy; for instance, right of association⁵⁰ Stateless persons have the right to associates as long as it is not aligned to a particular political cum economic affinity.

It does reaffirm the rights that must be granted by the laws of the state on whose territory stateless persons legally reside. The rights are cumulatively inherent in various international instruments⁵¹ and others are socio-cultural in nature⁵² they were all ratified under the auspices of the United Nations Organizations State parties to the Convention must treat stateless persons as favourably as possible and no less favourably than other foreign persons in the same circumstances. In specific mention, the provisions of this Convention apply to the following rights viz a viz;

⁵⁰ Article 15, Convention Relating to the Status of Stateless Persons 6 June, 1960.

⁵¹ International Covenant on Civil and Political Rights, 16 December, 1966.

⁵² International Covenant on Economic, Social and Cultural Rights, 16 December, 1966.

Right to property,⁵³ right to access to courts,⁵⁴ right to engage in different professions,⁵⁵ right to benefit from various social, administrative and other public services,⁵⁶ respect for rights in terms of expulsion and naturalisation⁵⁷ right to freedom of movement, travel documents, and transfer of assets⁵⁸ all these and many more gives insight into the content of the Convention Relating to The Status of Stateless persons.

Convention on the Reduction of Statelessness.

This convention was ratified on the 30th of August, 1961 (pursuant to General Assembly Resolution 896/IX and came into force on the 13 December, 1975. It mandates that, each state party must grant its nationality to persons who are born in its territory who would otherwise be stateless. Such nationality shall be granted at birth, by operation of law or by application being lodged with the authorities.⁵⁹

Universal Declaration of Human Rights.

The principles enshrined in the convention has attained the force of customary international law and with its adoption into several state constitutions and legislations it inherently becomes enforceable in national judiciaries. “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”⁶⁰ Therefore, all human beings whether stateless or with a status of a state is endowed with their dignity as a human person and that ought to be respected in all circumstances in accordance to international legal frameworks.

The Primary goal of the convention is to ensure that all but none would otherwise be stateless despite existing links with a state, such as birth, descent or residence can acquire or maintain a nationality. The convention does not ascribe any specific rights to stateless persons, but

⁵³ Article 13,14 (n 26).

⁵⁴ Article 16 Ibid.

⁵⁵ Article 17, 18 *ibid*.

⁵⁶ Article 20-25 *Ibid*.

⁵⁷ Article 31, 32 *Ibid*.

⁵⁸ Article 30 Sub Art 1,2. (n.26).

⁵⁹ Article 1 of the Convention on the Reduction of Statelessness. 30th August, 1961.

⁶⁰ Article 1 of the Universal Declaration of Human Rights. 10th December, 1948. This Charter was proclaimed at the UNGA in Paris as (GA Resolution 217A).

recommends the creation of a framework or an entity, under the United Nations, “to which a person claiming the benefits of this convention may apply for the examination of his claim and for assistance in presenting it to the appropriate authority.”⁶¹ Unfortunately, this proposed organ was never set up, and its functions were turned over to the United Nations High Commissioner for Refugees.

African Charter on Human and Peoples Rights:

The lofty ideals of the Afro-human-right-charter cannot be said to be achieved if the continent harbour stateless persons in this 21st century. “All people shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind”⁶² The identity of people is their nationality which is an individual connection to a state in the broader context of international law. It is this identity that qualify an individual to benefit from socio-economic rights that accrued to the common heritage of mankind.

Ending Statelessness Illusion or Possibility?

About 4.4 Million people in the world are victims of statelessness, arbitrary denial of citizenship and its attendant consequences.⁶³ The possibility of eliminating or in a worst-case scenario reducing it to the barest minimum can be achieved through the combination of the following factors and the sincere implementation of relevant legal frameworks. Governments determine who is a national of their state through policies and legal frameworks. Therefore, effectively ending statelessness is a matter of reforming domestic laws, policies and implementation.

In October of 2013, the UN High Commissioner for Refugees strongly advocated for a “total commitment of the international community to end statelessness.”⁶⁴ The ten-action plan developed to end this scourge are:

⁶¹ Article 11, Convention on the Reduction of Statelessness 30th August, 1961.

⁶² Article 22 of the African Charter on Human and Peoples Rights. 27th June, 1981.

⁶³ 2022 Annual Report of the United Nations High Commissioner for Refugees.

⁶⁴ UNHCR Global Action Plan to End Statelessness;2014-2024 (Global Action Plan).

Action 1: Resolve existing major situations of statelessness.

Action 2: Ensure that no child is born stateless.

Action3: Remove gender discrimination from nationality laws.

Action 4: Prevent denial, loss or deprivation of nationality on discriminatory grounds.

Action 5: Prevent statelessness in cases of state succession.

Action 6: Grant protection status to stateless migrants and facilitate their naturalisation

Action 7: Ensure birth registration for the prevention of statelessness.

Action 8: Issue nationality documentation to those with entitlement to it.

Action 9: Accede to UN Statelessness Conventions.

Action 10; Improve quantitative and qualitative data on Stateless populations.⁶⁵

As part of the strategy to solve the problem of statelessness on the continent of Africa, Prof Chidi Anslem Odinkalu advocated for “a continental treaty to guarantee the right to citizenship and prohibit statelessness in Africa.”⁶⁶ The treaty will seek to facilitate the inclusion of individuals within African states, by providing legal solutions for the resolution of the practical challenges connected to the actualization of the right to a nationality; to eradicate statelessness and above all to identify the principles that should govern relations between individuals and states in relation to these issues.⁶⁷

Non-Governmental Organisations; Non-profits organisations, public spirited individual has a very crucial role to play in the eradication of statelessness in any country. NGOs should weaponize advocacy via mass and social media in creating mass awareness as to the dangers of

⁶⁵<<http://www.unhcr.org/ibelong>> accessed 25thMay, 2024

⁶⁶ C. A. Odinkalu, ‘Protecting citizenship rights and ending statelessness in Africa’ Premium Times (Abuja 19th February, 2024)

⁶⁷ Ibid.

stateless persons in a state and shaping policy direction of the government on the subject matter which will lead to proactive legislation.⁶⁸

Policy Makers: Governments through legislation and policies establish who their nationals are. This imposes on the policy makers, political leaders and relevant public institutions responsibilities for legal and policy reforms that are necessary to effectively address statelessness.

International/Regional Organisations; States have discretion with regards to nationality because they are limited by obligations under international treaties to which they are parties by signatories, customary international law and general principles of law.

In 2015, the Economic Community of West African States (ECOWAS) adopted a declaration on the prevention, reduction and elimination of stateless persons in West Africa.⁶⁹ About 750,000 people are actually stateless and close to the same figure are at the risk of statelessness in the region and as such deprived of the basic necessities of life such as education, health care and more.

Through cooperation statelessness will be drastically reduced if not completely eradicated. The UNHCR developed global action plan that provides a blueprint of 10 action that needs to be undertaken to resolve existing situations and prevent new cases of statelessness from arising.⁷⁰ Hence, the UNHCR launched the IBelong Campaign to End Statelessness by 2024, (this current year).

Collaboration among Un Agencies: This is very vital for instance, the United Nations Children's Fund (UNICEF) has long worked on improving birth registration and civil registries, with categorical database on statelessness.⁷¹ This will ensure ending statelessness for a bright future for every child. This is absolutely in tandem with "the child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a

⁶⁸ICVA 2023 Annual Report. *Navigating Challenges, fostering Collaboration, and embracing transformation.* <<https://www.icvanetwork.org>> accessed 26th May, 2024

⁶⁹ Joint UNHCR/ECOWAS press release Abidjan, Cote D'Ivoire, 25th February, 2015.

⁷⁰ UNHCR Global Campaign to Eradicate Statelessness November, 2014.

⁷¹ UNICEF Annual Report 2023. 'Ending Childhood Statelessness in Europe' <<https://www.unicef.org>> assessed 26th May, 2024

nationality and as far as possible, to know and be cared for by their parents.”⁷² Identity of the child is key to his development, growth and access to facilities of health, education, welfare and many more. That is the crucial role name plays in the life of a child. The UN Population Fund can help governments design and implement national censuses with the aim of gathering relevant data on nationals and their status.

Conclusion and Recommendations

Statelessness is a systemic problem that perpetuates intergenerational challenges and sufferings. If it is a systemic problem, then, the same system can provide permanent solutions to it through functional policies and laws. Having nationality is something most people take for granted but to those who do not have one or who cannot prove it, this lack often sentences them to a life of discrimination, frustration, despair and penury.

Haven seen different perspectives about statelessness, it is apt to further anticipate profound and ongoing challenges faced by stateless persons around the globe, arising from discontents with politics and governance since 1960 of independence of the Nigerian State within the African context.

It is likely again that the question may have relevance for different parts of Africa facing civil unrest and arm insurrection by separatist movement. To what extent can violent and non-violent agitations for secession by outlaw Indigenous People of Biafra in the South East, Boko Haram in the North East, Oduduwa Nation Movement in the South West (all in the Nigeria state) induced self-imposed statelessness? Some separatist was reported to have burnt their national identification numbers, passports, permanent voters’ cards and every valid document making them stateless in the Nigerian State in a fury.

Can the answer be relevant to the Saharawi people liberation movement (POLISARIO) in the proposed Western Sahara State in the North African state of Morocco? To what extent can all these agitations be resolved by jurisprudential principles and specific legislations? No effort should be spared to end the scourge of statelessness. Thus, it is entirely possible to resolve

⁷² Article 7 The United Nations Convention on the Rights of the Child 1989.

existing situation of statelessness and prevent children from growing up stateless in the future. The only solution to statelessness is the acquisition of nationality which the states are hereby enjoin to do.

By way of recommendation, states should develop strategic, pragmatic action plan to end statelessness. This of course requires a collective and collaborative efforts on the part of states, state actors and international organizations that have similar core mandate. The full adoption and implementation of the 1961 Convention on the Reduction of Statelessness is a critical instrument in the mitigation of statelessness. In another development, if states grant citizenship to children born on their territory or born to their nationals abroad it will significantly reduce the menace of statelessness.

Sensitization through awareness creation on the triggers that will bring about statelessness is necessary for its prevention. Civil documentation through birth registration is another vital component that can prevent statelessness. A broad coalition of stakeholders from various sectors can intensify the campaign and states should develop a tailor-made strategy towards the eradication of statelessness within their territory.