NATIONALITY AND STATELESSNESS
UNDER INTERNATIONAL LAW

Written by leading experts, Nationality and Statelessness under International Law introduces the study and practice of ‘international statelessness law’ and explains the complex relationship between the international law on nationality and the phenomenon of statelessness. It also identifies the rights of stateless people, outlines the major legal obstacles preventing the eradication of statelessness and charts a course for this new and rapidly changing field of study.

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NATIONALITY AND STATELESSNESS UNDER INTERNATIONAL LAW

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LAURA VAN WAAS is Senior Researcher and Manager of the Statelessness Programme, an initiative of Tilburg Law School in the Netherlands, which is dedicated to research, training and outreach on statelessness and related issues. Among the Statelessness Programme's current work is a detailed study of statelessness in the Middle East, in collaboration with the Open Society Justice Initiative and a research project aiming to map the link between statelessness and human trafficking, funded by the US Department of State Bureau for Population, Refugees and Migration. Laura's doctoral thesis, entitled Nationality Matters – Statelessness under International Law (Intersentia, 2008), is an in-depth analysis of the international normative framework relating to statelessness. After gaining her Ph.D., Laura was employed as an expert by UNHCR to work on several successive statelessness projects. She has drafted public information materials, developed training programmes and delivered training on statelessness. She has undertaken comparative research of statelessness situations in the Middle East and North Africa as well as South East Asia. While based in UNHCR's Beirut and Bangkok offices respectively for these projects, Laura helped the agency to build capacity to address statelessness by providing further training and directly advising on strategy development. In 2011, she developed a module on Statelessness for the University of Oxford’s Refugee Studies Centre’s International Summer
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This project started when I was at the University of Oxford, as Lecturer in International Human Rights and Refugee Law at the Refugee Studies Centre. I would like to thank the British Academy for a small grant which prompted the exploration of some of the issues in this publication, and to the Oppenheimer Fund for some seed funding into research assistance. Thank you to Marina Sharpe for being my research assistant in the early stages of this project and for her immaculate collection and filing of materials on nationality and statelessness. I need to thank Laura, my co-editor, for coming to the rescue of this project when I moved to take up my current position at UNHCR in Geneva as Senior Legal Coordinator and Chief of the Protection Policy and Legal Advice section. The project has been an immensely enjoyable one, and it would not have happened without her. A great deal of debt is owed to the excellent contributions and the amazing patience of our many contributors. Thanks also to Finola O’Sullivan, Elizabeth Spicer and the rest of the team at Cambridge University Press for their positive support of this project and its evolution; as well as the Statelessness Unit at UNHCR, in particular Mark Manly for his openness to new arguments in the statelessness area and keen eye for errors(!). I am also particularly pleased that all of our royalties from this book will help support statelessness projects around the world.

A.E.

From first hearing of Alice’s plans for this edited collection, I was impatient to see and use the finished product, since it would engage prominent international experts to jointly fill a significant gap in the literature on statelessness. My own contribution was initially to be limited to a chapter on the UN statelessness conventions, which I studied closely in the context of my doctoral research. To my delight, however, I had the opportunity to become more closely involved in the project and join Alice as co-editor. I have learned a great deal from her over the course of this collaboration and have also cherished the opportunity to delve into detailed
nitty-gritty and enthusiastic discussions with her on the state of statelessness law today. It has been a great pleasure to work together and I hope this will not be the last chance to do so. I would also like to thank Monica Neal for willingly giving up so much of her time alongside her studies to assist with editing the contributions in this volume. A big thank you is also due to my colleagues at the Statelessness Programme at Tilburg Law School, whose enthusiasm for exploring and understanding statelessness knows no bounds and whose sense of humour is unmatchable. And to Mark and Dylan – thank you for never letting a day pass without a good dose of grinning and giggles, and for being such great motivational coaches for the whole Statelessness Programme team.

Laura
ABBREVIATIONS AND ACRONYMS

1930 Hague Convention
League of Nations Convention on Certain Questions Relating to the Conflict of Nationality Laws 1930

1951 Convention or 1951 Refugee Convention
Convention relating to the Status of Refugees 1951

1954 Convention or 1954 Statelessness Convention
Convention relating to the Status of Stateless Persons 1954

1961 Convention or 1961 Statelessness Convention
Convention on the Reduction of Statelessness 1961

1967 Protocol
Protocol relating to the Status of Refugees 1967

ACHPR or African Charter
African Charter on Human and Peoples’ Rights 1981

ACHR
American Convention on Human Rights

ACRWC or African Child Rights Charter

CEDAW
Convention on the Elimination of All Forms of Discrimination against Women 1979

CEDAW Committee
Committee on the Elimination of Discrimination against Women

Children’s Committee
Committee on the Rights of the Child

CHR
Commission on Human Rights

CJEU
Court of Justice of the European Union

CRC
Convention on the Rights of the Child 1989

CRPD
Committee on the Rights of Persons with Disabilities

ECHR

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<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Definition</th>
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<tbody>
<tr>
<td>ECmHR</td>
<td>European Commission on Human Rights</td>
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<tr>
<td>ECN</td>
<td>European Convention on Nationality 1997</td>
</tr>
<tr>
<td>ECOSOC</td>
<td>Economic and Social Council</td>
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<tr>
<td>ECtHR</td>
<td>European Court of Human Rights</td>
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<tr>
<td>ExCom</td>
<td>Executive Committee of the High Commissioner for Refugees Program</td>
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<tr>
<td>HRC</td>
<td>Human Rights Committee</td>
</tr>
<tr>
<td>I-ACmHR</td>
<td>Inter-American Commission of Human Rights</td>
</tr>
<tr>
<td>I-ACtHR</td>
<td>Inter-American Court of Human Rights</td>
</tr>
<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights 1966</td>
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<tr>
<td>ICCS</td>
<td>International Commission on Civil Status</td>
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<tr>
<td>ICERD</td>
<td>International Convention on the Elimination of All Forms of Racial Discrimination 1965</td>
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<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights 1966</td>
</tr>
<tr>
<td>ICJ</td>
<td>International Court of Justice</td>
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<tr>
<td>ICRMW</td>
<td>International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families 1990</td>
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<tr>
<td>ILC</td>
<td>International Law Commission</td>
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<tr>
<td>ILO</td>
<td>International Labour Organization</td>
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<tr>
<td>IOM</td>
<td>International Organization for Migration</td>
</tr>
<tr>
<td>MWC</td>
<td>Committee on the Rights of Migrant Workers and Members of their Families</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-governmental organization</td>
</tr>
<tr>
<td>OHCHR</td>
<td>Office of the United Nations High Commissioner for Human Rights</td>
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<tr>
<td>OSCE</td>
<td>Organization for Security and Co-operation in Europe</td>
</tr>
<tr>
<td>PCIJ</td>
<td>Permanent Court of International Justice</td>
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<tr>
<td>UDHR</td>
<td>Universal Declaration of Human Rights 1948</td>
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<tr>
<td>UNCAT</td>
<td>United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984</td>
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ABBREVIATIONS AND ACRONYMS

UNGA  United Nations General Assembly
UNHCR  United Nations High Commissioner for Refugees
UNRWA  United Nations Relief and Works Agency for Palestine Refugees in the Near East
UPR  Universal Periodic Review