



Protecting Stateless Persons: the Role of the U.S. Government

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Conference on Statelessness: Sponsored by Refugee Council USA

Washington, DC

October 30, 2009

I am very pleased to have the chance to participate in what I believe is the first major Washington, DC conference on statelessness. I offer my thanks, and the thanks of my colleagues at the Department of State who are working these issues, to Refugee Council USA and to the Georgetown Law School's Human Rights Institute, for bringing together many strong partners working on this critical issue.

It is also fitting that one of my first presentations as Assistant Secretary of State for Population, Refugees, and Migration is focused on statelessness. This issue should be at the core of U.S. government's humanitarian mission and at the core of the work of the Bureau that I now lead – to protect the most vulnerable. And that is and will be my watchword as Assistant Secretary of State: to ensure that protection is at the center of U.S. foreign policy making.

We must engage on this issue for the same reasons we are involved in the full spectrum of humanitarian response: first, there is the moral imperative to alleviate human suffering; second, there is the strong interest we have in sustaining U.S. leadership, the policy benefits of which include enabling us to drive the implementation of international human rights and humanitarian law, programs and policy like no other government in the world, and to leverage critical support from others; and third, there is the key goal of promoting reconciliation, security and well-being in circumstances where despair and misery not only threaten stability, but also national security interests of the United States. And as we look around the world, we often see that the statelessness contributes to such despair and such misery.

This session today – and all efforts to publicize and elevate the importance of this issue – are critical, because, for many, statelessness seems abstract – some vague notion caught up in political theory about the relationship between the individual and the state. Few Americans would ever imagine that the problem was so widespread, with considerable stateless populations from Burma to the Dominican Republic to Syria to Nepal to Russia to Kuwait to Ukraine, to the situation of many Palestinians in the Middle East, and on and on. Most Americans have never met a stateless person, and those of us whose citizenship is secure tend to take it for granted. We seldom think twice about showing our identity documents to travel freely, enroll in school, get a job, open a bank account, get married, or register the birth of our children. Yet in all these ways and others, citizenship is a critical part of our daily lives, livelihoods and human dignity. For stateless persons, these aspects of daily lives that we take for granted are a constant challenge.

And if civil society has a keen interest in elevating the importance of this issue, we in government have a solemn obligation to do so as well. My comment about the connection between statelessness and foreign policy interests of the United States is not all that surprising to this audience. The Open Society Institute has aptly described statelessness as “an underlying factor” in conflicts and insecurity within and among states. And I think that many view statelessness as an impediment to economic development. When you meet a stateless girl whose dream of becoming a doctor has been dashed by trafficking in domestic servitude because she could not attend school or work legally, then you can see these linkages in human terms. More generally, the legal uncertainty and the lack of status that is the daily reality for so many millions of talented people reflects an enormous waste of productive capacity – not to mention a tragic loss of economic and social opportunity and progress for individuals and families.

Many of the people and organizations here today are working to clarify these linkages and bring greater visibility to the plight of stateless people. These efforts are laudable and the Obama Administration is deeply grateful for the partnerships and collaboration we enjoy with many of you.

The United States is pursuing four broad foreign policy objectives regarding statelessness:

First, we are seeking to create awareness within the Administration, the Congress and the public about stateless people and the challenges they encounter, including by gathering information about the scope and breadth of the problem. In 2007, the Administration included a statelessness section in each of our individual country reports on human rights practices, and this has proven to be an important tool to document a hidden problem and create awareness within and outside of government. In addition, the State Department's annual report on trafficking in persons has focused attention on the links between trafficking and statelessness. Finally, whether by hosting a side event on statelessness at the UN General Assembly, writing on the issue in the State Department “Dipnote” blog, or supporting an edition of the Forced Migration Review publication devoted to statelessness, we have sought out opportunities to raise the prominence of this issue.

Second, we have encouraged strong action on these critical issues by the Office of the United Nations High Commissioner for Refugees – in particular, we strongly support UNHCR's mandate to prevent and reduce statelessness, and to protect stateless persons. The United States is by far the largest single donor to UNHCR, providing over \$641 million to UNHCR in FY 2009. These contributions to UNHCR's core budget support efforts to address statelessness and, within that total, we have specifically earmarked funds to support targeted efforts. Our monies have supported UNHCR's statelessness work in Burma, the Dominican Republic, Cote d'Ivoire, Kyrgyzstan, the Balkans, Ukraine, Kenya, Nepal and elsewhere. In 2006, the Administration strongly advocated adoption of UNHCR's Executive Committee Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons, and we continue to encourage coordination with UNICEF, UNFPA, other UN agencies on civil registration campaigns, integrating stateless persons into development programs, and other efforts to secure their human rights. We also have strongly endorsed the new UNHCR budget pillar for statelessness. And we are encouraging UNHCR to increase transparency and articulate in detail its resource needs related to statelessness, which is an essential aspect of raising awareness and support from other donors.

Third, the Administration seeks to use diplomacy to mobilize other governments to prevent and resolve situations of statelessness. U.S. diplomats engage directly with governments to advocate for the prevention and reduction of statelessness. The vehicles we use are many and varied – bilateral human rights dialogues; field missions and monitoring in places such as Dominican Republic, Thailand, Vietnam and Bangladesh; multilateral diplomacy in forums like the UN Human Rights Council, where we successfully introduced language on statelessness for a recent resolution on migrant children; and efforts in regional bodies, such as the Organization of American States' universal civil registry campaign, and the Bali process to address the situation of stateless Rohingya regionally.

Finally, we seek to use the U.S. Refugee Admissions Program strategically, as a means of providing a durable solution to stateless individuals as well as groups in need of resettlement. This is reflected in our current resettlement programs for Bhutanese refugees in Nepal and Rohingya refugees in Bangladesh and Malaysia, as well as our past resettlement of Meskhetian Turks. And in the months to come, we will be examining ways that we can better use our resettlement programs to leverage more humane and responsible policies among hosting governments for the stateless refugees that will not be resettled in third countries.

I just returned from a trip to the Democratic Republic of Congo and Kenya. I did not deal directly with the issue of statelessness during that visit. But in Congo, in particular, where we have long been concerned about the issue of citizenship of some groups, I encountered the phenomenon of a government ill-at-ease about accepting the return of its very own nationals. To add this kind of uncertainty to the overwhelming suffering that refugees and displaced persons already endure is unacceptable, and underscores for me the critical importance of preventing statelessness as a priority for my Bureau and for the Administration.

Let me also emphasize again how much we appreciate the important work that the NGO community is undertaking on these issues. I also very much welcome the interest and engagement of the Congress, reflected, for example, in legislation relating to statelessness. We support the goals of the statelessness provisions contained in the proposed Foreign Relations Authorization legislation, and look forward to working with Members of Congress and congressional staff on these measures.

With that in mind, I would welcome your perspectives on the continued evolution of our strategy. To my mind, it is critical that we pursue international and regional efforts to promote best practices, as well as support international organizations such as the UNHCR. But while these "wholesale" efforts are critical, I also believe that we must pursue this issue through "retail" advocacy – that is, through augmented efforts to target specific situations of statelessness – perhaps in coordination with UNHCR and other governments -- and trying to make a real difference in a specific situation, or set of situations. Each case is different, and requires different strategy and tactics, but I believe any enhanced program to address these critical issues will have to include robust case-specific efforts – whether that means, for example, the Rohingya in Asia, persons of Haitian descent in the Dominican Republic, or Roma in Europe.

I think the United States and the international community is making progress, but we have much more work to do. The global number of stateless persons remains unacceptably high – as high as 12 million by some estimates. And even as we augment our own efforts, the United States needs to bring others into this effort.

Of course, when we press other governments on these issues – especially where stateless people reside – we sometimes confront accusations that we are unduly interfering in the internal affairs of a sovereign state. But we have heard that line before, and know well that, in matters of human rights and human dignity, governments have to account for their behavior not only to their own citizens, but to the world at large. In our advocacy on these issues, we should be guided by the proposition that everyone should have the ability to belong, to consider themselves, legally as well as socially, part of a larger community.

Our key task will be to build a broader community of governments, international organizations and civil society groups to advocate on behalf of the stateless – to provide support for UNHCR's work on these issues, to incorporate concerns about statelessness into foreign policy making, to build capacity among stateless communities and civil society, and to model best practices.

Without the "right to have rights," stateless people are among the most vulnerable in the world. Yet stateless people are also spearheading some of the most significant efforts to resolve situations of statelessness – for example, the Urdu-speakers in Bangladesh took their case to the Supreme Court and won, the Nubian community in Kenya has made notable progress in securing citizenship documentation, and lawyers in Central Asia's Ferghana Valley are pioneering advocacy with governments in the region.

We should be heartened by their fortitude and inspired to embolden our own efforts to end the problem of statelessness in the years to come.

Thank you.

