

CAUSES OF STATELESSNESS

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ABSTRACT

Tremendous people across the globe remain stateless, being stateless is a condition which largely denies the stateless people a protection under international law. This article will try understanding the main reasons of statelessness through theoretical and practical lens, and shall provide an overview of how statelessness is a challenge for nations, are the rights of a stateless person being enforced by the nations.

Keywords: Stateless, Causes.

INTRODUCTION

A stateless person is someone who lacks nationality, and does not enjoy any right in the state, thus resulting in a lack of protection from the state. As per International Law the general definition is that a stateless person is someone “who is not considered as a national by any state under the operation of its law”. The phenomenon of statelessness exists in two forms de jure and de facto statelessness. Statelessness is a global issue around 10 million people are stateless worldwide and are not considered as nationals by any state under the operation of its law as it has impacted many people globally factors like the development of the state, human rights, peace and security etc. In some nations a stateless person would have the difficulty in accessing the basic right such as education and healthcare facility.[1]

CAUSE OF STATELESSNESS

Statelessness is the worst possible result of the violation of right to a nationality. Circumstances can be many which give rise to statelessness at birth or in later life of the person. There is often an element of discrimination and or arbitrariness at play, when people or the entire group become stateless. In fact, there is an emerging authority to support the position that any loss or deprivation of nationality which results in statelessness would be a disproportionate means of achieving any public policy goal and would be arbitrary and in violation of international human rights law. An entire group can be deprived of their nationality based on their nationality ethnicity or religion, it

can also be a failure to prioritise legal reform which would plug gaps in the law and cause statelessness to be abolished. States do have a criteria and also a responsibility to protect against discrimination and arbitrariness. Following can be the possible reason for statelessness:[2]

1) Conflict of Laws:

Cases where a person acquires a nationality by descent in another country can be by place of birth, but due to the combination of a particular individual's birthplace neither nationality is acquired. could possibly be due to the person fails to qualify under the regular operation of the rules of either state. Some nations strictly follow the principle of jus soli and some solely on jus sanguinis.

2) Discrimination:

A general result is that statelessness is often a result of discrimination against a particular group, states deny nationality to persons who are of a particular ethnicity or religion, leaving minorities as stateless. There are countries which limit the right of mothers to confer their nationality on their children and it leads us to a scenario where the child cannot acquire the father's nationality because he is stateless or unknown. In Europe, the most vulnerable groups to statelessness is the Roma who have historically been abused, neglected and excluded from majority societies.

3) State succession:

Cases where the state secedes and becomes independent, or it dissolves into multiple new states, the question emerges as to what happens to the nationality of the person affected. The new nationality may conflict and leave people without any nationality, it can also be that a new definition, change in law may render people stateless. Though it can be said that stateless people are stateless regardless of the fact of state succession, discriminatory domestic nationality legislation is discriminatory whether or not it issues from a successor state.

4) Administrative barriers and lack of documentation

Discrimination in any state can be due to ethnic, religious or due to nomadic communities and the rural poor more likely to face barriers to obtaining documentation than religious and ethnic majorities and urban population. Statelessness can stem from the poor administration or documentation of a country's nationals during the period the state formation or when the first citizenship registration was carried out. Cases where there is a missing proof of place or date of

birth, nor of parentage, states may dispute these facts and would fail to consider a person as a national even if he or she would qualify under the law.[3]

CONCLUSION

Hence I would like to conclude that though there is everything available on an international platform, what is lacking is the implementation in the national level. Establishing a dedicated procedure for determination is the need of the hour.

REFERENCES

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