

EDITORIAL

The State of Statelessness Research: 5 Years Later

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The idea for this special TLR issue on citizenship and statelessness was initiated at the first PhD Workshop on Citizenship and Statelessness hosted at Tilburg University and funded by the Tilburg University Alumni Fund in September 2018. This special is a result of rapidly growing interest in citizenship and statelessness among early career researchers worldwide and reflects innovative research and new developments in researching citizenship and statelessness issues, particularly focusing on interdisciplinary research.

Statelessness has been traditionally understood as a legal issue: it denotes the lack of legal membership of an individual in a state. Efforts to reduce statelessness have traditionally been of a legal nature, through conventions and efforts to change laws that cause statelessness. Therefore, work related to statelessness—both academic and in practice—has primarily had a legal focus. Over the last ten years, however, major developments have taken place, which have resulted in the issue of statelessness gaining prominence and being acknowledged as an important issue on its own, and in the academic domain, as a fascinating field of academic inquiry. Economists, anthropologists, social scientists, human geographers, historians, and people from other backgrounds have become interested in conducting academic research on this issue.

This became visible in, among others, the first special issue on statelessness published by *Tilburg Law Review* in 2014, which compiled the work of over 30 scholars and practitioners working on statelessness and spanned two volumes, across various disciplines. Due to the relatively small size of academics working in the field of statelessness, it has become like a small family where faces are familiar, and newcomers are welcome. This has allowed for people from different backgrounds to come together in events and become interested in the works of others who might work outside of their own discipline, but still related to statelessness. Two recent events come to mind that showcase this. The first is was an academic meeting organized by the Institute on Statelessness and Inclusion, the NYU Centre for Global Affairs, and Open Society Justice Initiative, which took place in New York in mid-2017. In this academic meeting, senior and junior academics doing research on statelessness or closely related fields came together and discussed some of the most pressing issues they encountered in their own work.

The second event, the PhD Workshop on Citizenship and Statelessness was a follow-up from the 2017 academic meeting in NYC. This PhD workshop brought together 15 PhD students from around the world and from very different academic disciplines for four days to discuss not only their own research but also to attend masterclasses by various experts from different fields whose research is interesting for statelessness research. They learned about statelessness and digital data from Dr. Linnet Taylor (TLS & TILT), about citizenship and statelessness from literary and philosophical perspectives from Dr. Michiel Bot (TLS) and Mr. Isshaq Al-Barbary (Palestinian researcher), about innovative manners to conduct field research from Professor Morgan Goodwin (TLS) and all about researching statelessness by Dr. Laura van Waas (TLS and co-director of the Institute on Statelessness and Inclusion). Keynote speeches were given by Emeritus Professor Gerard-René de Groot (Maastricht University) on citizenship and statelessness, social identity and 'genuine link' from a legal perspective, Ms. Zahra Albarazi (Senior Researcher, Institute on Statelessness and Inclusion; External PhD TLS) on academia and activism through field research on statelessness in the Middle East and North Africa, and Mr. Oluseyi Bajulaiye (retired Senior UN official) gave invaluable insights into his career journey and spoke about career opportunities in and beyond academia.

The PhD Workshop participants also brainstormed about the future of statelessness academic research. These discussions yielded two concrete results. The first is a network, the Global PhDs on Statelessness (GPS), which will launch in a few months, and this *Tilburg Law Review* special issue on statelessness. This special issue contains two case notes and five articles. Vlieks' case note covers *Tjebbes and Others v Minister van*

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Buitenlandse Zaken. This landmark case, heard before the Court of Justice of the EU, set another important precedent on nationality matters under EU law. Von Rütte's case note on *Hoti v Croatia*—a landmark case for the rights of stateless persons in Europe—explores how the European Court of Human Rights dealt with the recognition of the vulnerability faced by stateless persons, and the implications of said vulnerability on various rights.

Brinham's article deals with matters of registration and identity documents, looking at the different types of visibility which identification documents produce. The article draws on the Rohingya situation to illustrate its main arguments. The article by Brennan is inspired by feminist critical perspectives on international law, looking at the 'compartmentalization of gender' in order to point out the existing gaps in feminist-statelessness research. The article by Recalde-Vela explores the manners in which stateless persons have been able to access redress before international mechanisms. It does this by looking at three different existing international legal mechanisms with powers to issue redress measures. The article by Worster explores childhood statelessness through treaty law, providing an overview of existing provisions under international law to grant children nationality if otherwise stateless. The article points out that it is the state where the child is born that has the strongest obligation to grant it nationality if otherwise stateless, a claim that is backed by rigorous legal analysis of treaty law. Finally, Sköld's article points out some of the main assumptions in the dominant discourse on statelessness, including the hegemony of the state system. It draws on sociological notions of citizenship and nationalism to accomplish this.

It is also important to highlight some of the developments which have taken place in the field of statelessness over the last five years. In 2014, the first Global Forum on Statelessness took place in September, bringing civil society, academia, governments, and stateless persons themselves together to discuss ways to address the issue. The UNHCR #ibelong campaign was launched shortly after, in November; the campaign's goal is to end statelessness within 10 years. This year, the campaign will turn five years old, having achieved a number of victories in the fight against statelessness worldwide. The momentum created by these events brought significantly more attention to the issue than it ever had before, which resulted in increasing interest for statelessness both in academia and practice. Over the last five years, efforts to tackle statelessness have expanded rapidly. Several states have acceded to the 1954 Convention on the Status of Stateless Persons, and to the 1961 Convention on the Reduction of Statelessness.

In practice, there have been efforts to tackle statelessness by individual states, through the adoption of new laws and policies, but also through concerted efforts to address the statelessness of stateless groups in their territories. Countries like Costa Rica and Ecuador adopted in recent years statelessness determination procedures and facilitated naturalization procedures in benefit of stateless persons living on their territories. Kenya for instance granted citizenship to its (formerly) stateless Makonde people, while Thailand has been carrying out major efforts in granting stateless persons living in its territory Thai citizenship. Sierra Leone and Madagascar modified their nationality laws that discriminated against women by preventing them from passing on their nationality to their children, now allowing women to pass their nationality on an equal basis. All these victories are the result of the efforts of civil society, governments, academia, and other legal and non-legal practitioners who have advocated for these changes. The momentum created over the past five years is undeniable.

2019 is an exciting year for statelessness work, with two major events taking place later this year. In June, the World Conference on Statelessness and Inclusion—organized by the Institute on Statelessness and Inclusion—will take place. It will bring academics, practitioners, government officials, artists, civil society, stateless persons, and other members of society together to discuss issues pertaining to statelessness. This has the potential of shaping how the field moves forward—both in academia and practice—in the upcoming years. Furthermore, the second PhD workshop on statelessness will be organized by the Peter McMullin Centre on Statelessness at Melbourne Law School in the fall. Five years on, there is a lot to celebrate, since the field has advanced significantly, but at the same time, there is still plenty of work to be done as millions of people are stateless today. As Laura van Waas and Mark Manly said in their article for the 2014 *Tilburg Law Review* special issue on statelessness, there is no doubt that statelessness 'has arrived as a recognized focus of both academic and policy-oriented study'. It will be interesting to continue to see how the field develops over the next few years, and if the recent developments are any indication, we have great things to look forward to.

Competing Interests

The authors have no competing interests to declare.

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