

# The Social and Political Consequences of Another Stateless Generation in the Middle East

A Monograph

by

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## **Abstract**

The Social and Political Consequences of Another Stateless Generation in the Middle East, by Jeri L Dible, 46 pages.

A stateless person is someone who is not considered as a national by any state under the operation of the law. The problem of statelessness has devastating impacts on the lives of at least ten million people around the world. Statelessness may occur for a variety of reasons, including discrimination against particular ethnic or religious groups and conflict leading to large numbers of displaced persons. Statelessness has serious consequences as stateless persons are often denied basic human rights such as identity documents, employment, education, and access to health services. It also contributes to political and social tensions in fragile states around the world. The exclusion and denial of rights to large populations due to statelessness may lead to radicalization and violent extremism among marginalized populations. Statelessness is not only a human rights and development issue; it is also an important issue for the future security and stability of the Middle East region.

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## **Acronyms**

HAMAS	Harakat al-Muqawama al-Islamiya
ISIS	Islamic State of Iraq and Syria
PKK	Kurdistan Worker's Party
UN	United Nations
UNRWA	United Nations Relief and Work Agency
WW	World War

## **Introduction**

Imagine living in a country where you do not have citizenship, rights over your possessions or land, no access to education or healthcare, and no passport or right to vote. You know that any children you have will also face the same fate. You are excluded from society and viewed as an illegal immigrant everywhere you go. Now imagine that this is a fact for you in every country in the world. This is statelessness. You belong nowhere. In 2016, this is a fact of life for more than an estimated ten million people worldwide.

The problem of statelessness has devastating impacts on the lives of people around the world. Statelessness may occur for a variety of reasons, including discrimination against particular ethnic or religious groups and conflict leading to large numbers of displaced persons. Statelessness has serious consequences as stateless persons are often denied basic human rights such as identity documents, employment, education, and access to health services. It also contributes to political and social tensions in fragile states around the world. The exclusion and denial of rights to large populations due to statelessness may lead to radicalization and violent extremism among marginalized populations. Statelessness is not only a human rights and development issue; it is also an important issue for the future security and stability of the Middle East region.

### **Methodology**

The purpose of this section is to describe the methodology used to analyze the social and political consequences of statelessness. This study will use the case study method. Focused comparison will demonstrate structure and logic. This monograph consists of three parts. Part one is based on a literature review to understand statelessness in general. The literature review provides the underlying principles of statelessness. To give context to the problem of statelessness, the literature review presents facts regarding the number of stateless people in the

world and the rate of growth of statelessness as a result of the crisis in Syria. The literature review also provides an analysis of the policies, laws, and interventions relevant to statelessness.

Demonstrating the consequences of statelessness requires a diverse sampling of the historical experience of stateless populations, coupled with a deliberate process of analysis. Part two of this monograph consists of three case studies to demonstrate the historical consequences of statelessness. The study will examine the Palestinian, Kurdish, and Rohingya as cases of stateless populations. Expanding the study beyond a single case study ensures the findings are not limited to one population or one region. It also helps to expand the generalizability of the findings, conclusions, and recommendations. The case study technique is a detailed examination of a historical event in order to explain specific events.<sup>1</sup> These case studies provide opportunities to analyze the impact of statelessness on three different populations including linkages to human trafficking and exploitation, extreme poverty, poor health outcomes, social exclusion, radicalization, and violent extremism. A standardized set of general questions across each case study ensures structure and logic to the analysis. Structured and focused comparison will demonstrate a cumulative understanding of the consequences of statelessness.

Standardized questions for each case study enable further analysis for examining the consequences of statelessness on the Palestinians, Kurds, and Rohingya. These questions reflect the research objectives of this study. The questions focus on the history of these populations, their experience with statelessness, and the impact of their stateless status across multiple generations. The following questions provide a comparison of findings across the case studies:

1. What is the history of the population?
2. How did this population become stateless?
3. As a result of their stateless status, what are the social and political consequences for

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<sup>1</sup> Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge, MA: The MIT Press, 2005), 67-72.

this population historically and in the current context? (This study will focus on human trafficking and exploitation, extreme poverty rates, health status, educational attainment, social exclusion, radicalization, and violent extremism.)

4. What interventions have been attempted to address these consequences? Were these interventions successful or unsuccessful? Why?

Part three will discuss the current Syrian refugee crisis. The study will conclude with recommendations to governments, the United Nations (UN), and the United States, with the goal of reducing the occurrence and consequences of statelessness among the current Syrian refugee population.

## Review of Statelessness

### *Defining Statelessness*

The problem of statelessness first became prominent after World War (WW) II, with millions of refugees and stateless people dispersed across Europe and Asia.<sup>2</sup> Poland, Czechoslovakia, and the Soviet Union deported more than fourteen million Germans, and redrawn borders resulted in millions of Ukrainians and Serbs with no place to call home.<sup>3</sup> This crisis spurred diplomats from twenty-six countries represented in Geneva to action.<sup>4</sup> At that time, both stateless persons and refugees were undefined terms.<sup>5</sup> An international convention was

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<sup>2</sup> Bill Berkeley, "Stateless People, Violent States," *World Policy Journal* 26, no. 1 (Spring 2009): 5.

<sup>3</sup> *The Economist*, "Strangers in Strange Lands" (September 2015): 1, accessed 16 September 2015, <http://www.economist.com/news/briefing/21664217-worlds-institutional-approach-refugees-was-born-europe-seven-decades-ago>.

<sup>4</sup> United Nations High Commissioner for Refugees (UNHCR), "The Wall Behind Which Refugees Can Shelter: The 1951 Geneva Convention," *Refugees* 2, no. 123 (2001): 2, accessed 16 September 2015, <http://www.unhcr.org/3b5e90ea0.html>.

<sup>5</sup> Laura Van Waas, *Nationality Matters: Statelessness Under International Law*, School of Human Rights Research Series, vol. 29 (The Netherlands: School of Human Rights, 2008),

formulated to protect the basic rights of these “unprotected persons,” which included both stateless persons and refugees.<sup>6</sup> In 1951, the UN Convention of the Status of Refugees was adopted. This convention defined a refugee as someone who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country.”<sup>7</sup> The application of this convention was limited to persons who met the definition of a “refugee,” therefore, some stateless persons were able to claim protection, while others were not able to satisfy the criteria and an additional source of protection was necessary.

In 1954, the Convention Relating to the Status of Stateless Persons was adopted to address this issue. The international legal definition of a stateless person is set out in Article 1 of the 1954 Convention Relating to the Status of Stateless Persons, which defined a stateless person as a person who is not considered as a national by any State under the operation of its law.<sup>8</sup> This means that a stateless person is someone who does not have a nationality of any country. Some people are *de jure* or legally stateless persons, which means that they are not recognized as citizens under the laws of any state. Others are *de facto* or effectively stateless persons. This means that they are not recognized as citizens by any state even if they have a claim to citizenship under the laws of one or more state.

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accessed 16 September 2015, <http://www.stichtingros.nl/site/kennis/files/Onderzoek%20statenloosheid%20Laura%20van%20Waas.pdf>, 15.

<sup>6</sup> Ibid., 2.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

Some people are born stateless, while others become stateless over the course of their lives.<sup>9</sup> As stateless people are often without personal documentation, uncounted and unseen, identifying the exact number of stateless people is difficult. An estimated ten million people worldwide have no nationality.<sup>10</sup> Stateless people can be found in every region of the world.<sup>11</sup>

To be stateless means a person is not a national of any state. A nationality entitles an individual to the full protection of a state. Therefore, a stateless person is denied the protection of a state, including identity documents, education and health services, and legal employment. Statelessness has a significant impact on human security, access to development, and enjoyment of human rights.

#### *Causes of Statelessness*

There are several major causes for statelessness. Complex and varied citizenship laws are one major cause of statelessness. Nationality is usually acquired through one of two ways: *jus soil* or *jus sanguinis*. *Jus soil* means that a nationality is acquired through birth on the territory of the state. This is the most common law in the Americas. *Jus sanguinis* means that nationality is acquired from birth through descent. Some countries do not permit a parent to pass on nationality to their child, therefore, a child born in a foreign country risks becoming stateless if that country does not permit nationality based on birth in the territory alone. Additionally, discriminatory laws can also result in statelessness. The laws in twenty-seven countries do not allow women to pass on their nationality.<sup>12</sup>

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<sup>9</sup> UNHCR, *Ending Statelessness* (Geneva: UNHCR, 2014), accessed 16 September 2015, <http://www.unhcr.org/5575a7894.html>.

<sup>10</sup> *Ibid.*

<sup>11</sup> Van Waas, 3.

<sup>12</sup> Bahamas, Bahrain, Barbados, Brunei Darussalam, Burundi, Iran, Iraq, Jordan, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mauritania, Nepal, Oman, Qatar, Saudi Arabia,

Some countries also limit citizenship to people of certain races and ethnicities. In Europe, thousands of Roma are stateless. The Roma, often called gypsies, number more than eight million across Europe. They first entered the region five centuries ago, enduring exclusion and racism ever since. The Nazis killed more than 500,000 Roma during the Holocaust and communist governments tried their own way of exterminating the Roma population through forced sterilization programs.<sup>13</sup> The break-up of Yugoslavia and the Balkan wars resulted in tens of thousands of Roma fleeing their homes into a *de facto* stateless existence in countries throughout Europe. The impact of statelessness on the Roma population living in European Union states is significant. One in three is unemployed, twenty percent are not covered by health insurance, and ninety percent are living in poverty.<sup>14</sup>

States can also deprive citizens of their nationality through changes in laws that leave populations stateless. For example, Iraq's former President Saddam Hussein, stripped the Faili Kurds of their Iraqi citizenship in 1980. The Rohingya in Burma were stripped of their nationality in 1982 on grounds of their ethnicity. Hitler's Nuremberg Law in 1935 stripped Jewish people of their German citizenship, which then paved the way to the Holocaust.<sup>15</sup>

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Sierra Leone, Somalia, Sudan, Suriname, Swaziland, Syria, Togo, and United Arab Emirates. UNHCR, *Background Note on Gender Equality, Nationality Laws and Statelessness* (Geneva: UNHCR, 8 March 2014), [www.refworld.org/docid/532075964.html](http://www.refworld.org/docid/532075964.html), quoted in Zahra Albarazi and Laura van Waas, "Towards the abolition of gender discrimination in nationality laws," *Forced Migration Review* 46 (May 2014): 51, accessed 6 February 2016, [www.fmreview.org/afghanistan/albarazi-vanwaas](http://www.fmreview.org/afghanistan/albarazi-vanwaas).

<sup>13</sup> Berkeley, 6.

<sup>14</sup> United Nations Development Programme, *The situation of the Roma in 11 EU Member States*, European Union Agency for Fundamental Right and United Nations Development Programme, 2012, accessed 16 September 2015, [http://fra.europa.eu/sites/default/files/fra\\_uploads/2099-FRA-2012-Roma-at-a-glance\\_EN.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/2099-FRA-2012-Roma-at-a-glance_EN.pdf), 3.

<sup>15</sup> Ibid.

In countries where nationality is only acquired by descent from a national, statelessness is passed on to children, resulting in multiple generations of stateless people. Failure or inability to register children at birth, a problem in many developing countries around the world, can also result in statelessness, as a child has no proof of where they were born or their parents' nationality. This is a common problem facing millions of refugees around the world, including the estimated four million Syrians who have fled into Lebanon, Jordan, Turkey, Iraq, and Europe over the past five years. When state systems retaining registration information are destroyed during conflict or disasters, people may also lose access to their birth records and citizenship documents. Families who flee their homes during a crisis may also lose identification documents or proof of citizenship. It can also be difficult for children to acquire their parents' nationality when refugee mothers give birth outside their home countries.<sup>16</sup>

Statelessness can also occur with the emergence of new states and changes in borders. In many cases, specific populations are left without a nationality as a result of these changes. For example, the dissolution of the Soviet Union caused internal and external migration that left hundreds of thousands stateless in Eastern Europe and Central Asia. With the break-up of the Soviet Union, large numbers of ethnic Russians were scattered in former Soviet republics. As a result of the creation of Israel as a Jewish state, and the ensuing war between the Arabs and Israelis, hundreds of thousands of Palestinians became stateless. Statelessness can also be caused by non-state territories. As per the definition of a stateless person, only states can have nationals. As a result, people who reside in non-state territories are stateless. This includes the Palestinian territories and disputed territories such as Abkhazia and South Ossetia.

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<sup>16</sup> Maureen Lynch, *Futures Denied: Statelessness Among Infants, Children, and Youth* (Washington, DC: Refugees International, October 2008), accessed 15 December 2015, [https://www.essex.ac.uk/armedcon/story\\_id/Stateless\\_Children\\_FINAL.pdf](https://www.essex.ac.uk/armedcon/story_id/Stateless_Children_FINAL.pdf), 2.

A refugee is defined as a person who has been driven from his or her country of origin because of political reasons.<sup>17</sup> A refugee is not technically stateless, however, as a person without governmental protection and access to citizen rights and privileges, a refugee can face many of the same social and political consequences as a stateless person. For the purposes of this paper, refugees without access to citizen rights and privileges are considered *de facto* stateless.

### *Statelessness and International Law*

In 1954, the UN adopted the Convention Relating to the Status of Stateless Persons, which provides a framework for the protection of stateless persons. In 1961, the Convention on the Reduction of Statelessness was adopted. This convention contains provisions on preventing and reducing statelessness. Since 2011, there have been thirty-three accessions to the two conventions, with eighty states now party to it.

Following WW II, the UN was established in part to address the huge refugee situation in Europe. Millions of people were stateless as a result of fleeing the fighting and new land borders. In 1948, the UN drafted the Universal Declaration of Human Rights to address the problems faced by refugees and stateless persons.<sup>18</sup> In 1951, the UN adopted the Refugee Convention with the goal of protecting both refugees and stateless persons. However, this resulted in the acknowledgement that there was a distinction between refugees and stateless people.<sup>19</sup> Therefore, in 1954, the Convention Relating to the Status of Stateless Persons was adopted. This provided a definition of a stateless person and set out the rights and international protections for a stateless

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<sup>17</sup> Clark Carey and Jane Perry, "Some Aspects of Statelessness Since World War I," *The American Political Science Review* 40, no. 1 (February, 1946): 113.

<sup>18</sup> Brad Blitz and Maureen Lynch, *Statelessness and Citizenship: A Comparative Study on the Benefits of Nationality* (London: Edward Elgar Publications, 2011), 23.

<sup>19</sup> Carol Batchelor, "Statelessness and the Problem of Resolving Nationality Status," *International Journal of Refugee Law* 10, no 1/2 (1998): 158.

person. Seven years later, the Convention on the Reduction of Statelessness was adopted to set rules for granting nationality by birth to prevent statelessness.

While these two conventions on statelessness are the primary framework for protection of stateless persons and for the prevention of statelessness, a number of other international human rights laws mention statelessness.<sup>20</sup> These include the following UN conventions: Convention on the Right of the Child; International Covenant on Civil and Political Rights; Convention on the Nationality of Married Women; Convention on the Elimination of Discrimination Against Women; and the International Convention on the Elimination of all Forms of Racial Discrimination.

### *Consequences of Statelessness*

With millions of stateless people scattered around the globe, the question that naturally follows is, What are the consequences of statelessness on individuals, states, and the global community? For individuals, statelessness can result in the denial of human rights and an increased vulnerability to abuse.<sup>21</sup> Without citizenship, stateless people have no legal protection and no right to vote. They often lack access to education, employment, health care, registration of birth, marriage or death, and property rights. Stateless people may also encounter travel restrictions, social exclusion, and heightened vulnerability to sexual and physical violence, exploitation, trafficking in persons, forcible displacement, and an increased risk of radicalization.<sup>22</sup> The rejection that statelessness implies can lead to a debilitating sense of

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<sup>20</sup> Blitz and Lynch, 23.

<sup>21</sup> Van Wass, 12.

<sup>22</sup> UNHCR, *What would life be like if you had no nationality?*, March 1999, accessed 16 January 2016, <http://docplayer.net/322338-What-would-life-be-like-if-you-had-no-nationality.html>, 3.

worthlessness, leading to depression, alcoholism, violence, and suicide.<sup>23</sup> Large populations of stateless persons can contribute to instability in states within which they reside. The social exclusion of large populations in any particular country has the potential for engendering uprisings and civil revolt.<sup>24</sup>

A stateless person has no nationality and no formal legal rights. Stateless persons do not possess a passport. The consequences of this status are tremendous, including the inability to sign a contract, buy or legally own property, start a civil court case, and vote or participate in political processes. Stateless people often face forced displacement caused by the lack of documents required to remain in a country. They are seen as illegal immigrants wherever they go. Detention based on illegal residency can happen repeatedly.<sup>25</sup> In many countries, a stateless person cannot register a marriage and any children they have will be stateless.

Stateless persons often have no access to education or healthcare. Stateless people are also not legally allowed to work, which results in poverty and poor living conditions. For example, in Bangladesh some 160,000 stateless Bihari live in severely overcrowded settlements with sometimes a dozen or more family members living in a single small room.<sup>26</sup> It is estimated that three out of every five Bihari newborns die before reaching the age of five.<sup>27</sup>

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<sup>23</sup> Van Wass, 12.

<sup>24</sup> *Ibid.*, 14.

<sup>25</sup> Lynch, 3.

<sup>26</sup> *Ibid.*, 4.

<sup>27</sup> Kazi Fahmida Farzana, "The Neglected Stateless Bihari Community in Bangladesh: Victims of Political and Diplomatic Onslaught," *Journal of Humanities and Social Sciences* 2, no. 1 (2008), accessed 29 September 2015, <http://www.scientificjournals.org/journals2008/articles/1313.pdf>.

Lack of access to education can have devastating effects on people and society at large. The Syrian crisis has resulted in large numbers of children in the Middle East region with no access to education. Among the Syrian refugees in the Middle East, it is estimated that 750,000 children are not currently able to attend school.<sup>28</sup> A recent United Nations Children’s Fund (UNICEF) report highlighted the consequences of this lost generation of children. If children are not in school, there is an increased risk of recruitment of children into military and paramilitary organizations, increased risk of child trafficking, and increased rates of early marriage.

In Turkey, displaced Syrian refugees are able to enroll in public schools; however, appropriate documents are required. In addition, language barriers and lack of information on enrollment procedures and economic factors have deterred the majority of Syrian children from enrolling.<sup>29</sup> Prior to the crisis, Syria had one of the highest enrollment rates in basic education in the region.<sup>30</sup> Among the Syrian refugee population in Turkey, less than thirty percent of children in host communities are now enrolled in school.<sup>31</sup> In Lebanon, the number of children not enrolled is estimated to be as high as eighty percent of Syrian refugee children.<sup>32</sup> According to

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<sup>28</sup> Liz Sly, “As tragedies shock Europe, a bigger refugee crisis looms in the Middle East,” *The Washington Post*, 29 August 2015, accessed 29 August 2015, [https://www.washingtonpost.com/world/middle\\_east/as-tragedies-shock-europe-a-bigger-refugee-crisis-looms-in-the-middle-east/2015/08/29/3858b284-9c15-11e4-86a3-1b56f64925f6\\_story.html](https://www.washingtonpost.com/world/middle_east/as-tragedies-shock-europe-a-bigger-refugee-crisis-looms-in-the-middle-east/2015/08/29/3858b284-9c15-11e4-86a3-1b56f64925f6_story.html).

<sup>29</sup> United Nations Children’s Fund (UNICEF), *Curriculum, Accreditation and Certification for Syrian Children*, Regional Study (Amman, Jordan: UNICEF Middle East and North Africa Regional Office, March 2015), accessed December 15, 2015, [http://www.oosci-mena.org/uploads/1/wysiwyg/150527\\_CAC\\_for\\_Syrian\\_children\\_report\\_final.pdf](http://www.oosci-mena.org/uploads/1/wysiwyg/150527_CAC_for_Syrian_children_report_final.pdf), 43.

<sup>30</sup> *Ibid.*, 21.

<sup>31</sup> *Ibid.*, 43.

<sup>32</sup> Hanna Kozlowka, “Half of Syria’s children are not in school, creating dire consequences for the future,” *Quartz*, 30 March, 2015, accessed 17 September 2015, <http://qz.com/372659/half-of-syrias-children-are-not-in-school-creating-dire-consequences-for-the-future/>.

Save the Children's research in the Middle East, lack of education leads to unemployment or low-paying jobs, which are key factors in vulnerability to recruitment by armed groups who offer income and prestige. Education reduces the likelihood of conflict by increasing income opportunities and life choices for young people.<sup>33</sup>

Stateless people are especially vulnerable to exploitation and human trafficking.<sup>34</sup> Thailand's "hill-tribe" stateless people, the approximate two million Karen and Hmong who reside in northern Thailand, have no access to schools, healthcare, or lawful employment.<sup>35</sup> This leaves this population particularly vulnerable to the human traffickers operating in the border regions of Southeast Asia.<sup>36</sup> With no birth certificate, stateless persons are unable to prove their true age, making stateless children susceptible to exploitation or to punishment as adults. This may also lead to forced or early marriage, harassment, sexual and physical violence, and trafficking. Traffickers of stateless children also cannot be taken to court when children are without proper documents that prove their age or resident status.<sup>37</sup>

#### *Statelessness, Radicalism, and Violence*

Statelessness also leads to large-scale and long-term security concerns around the world. Many of the world's worst conflicts can be linked to problems associated with statelessness. The solution to Jewish statelessness was the creation of the state of Israel, a Jewish state. This in turn

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<sup>33</sup> Save the Children, *The Cost of War*, 2015, accessed 17 September 2015, <http://static.guim.co.uk/ni/1427711553264/Save-the-Children-Cost-of-W.pdf>.

<sup>34</sup> Philippe Leclerc and Rupert Colville, "In the Shadows" *Refugees* 147, no. 3 (2007): 6, accessed 2 December 2015, <http://www.unhcr.org/46d2e8dc2.html>.

<sup>35</sup> *Ibid.*

<sup>36</sup> Berkeley, 9.

<sup>37</sup> Lynch, 4.

created an entirely new stateless people; the Palestinians. There are an estimated five million Palestinians scattered throughout the Middle East with varying degrees of rights in countries across the region. The long-term and violent conflict between Israel and the Palestinian people is rooted in two historically stateless people claiming the same piece of land.<sup>38</sup>

Africa also provides many examples of statelessness and links to protracted conflict and wars. For example, following the transfer of power from the Belgians to the Hutus in Rwanda, the Tutsis were driven from the country and into stateless limbo for two generations in neighboring Uganda. In 1994, the stateless, exiled Tutsis sought to return to Rwanda, which led to the Hutu-led genocide against Rwanda's Tutsis, leaving more than 500,000 men, women, and children murdered. Cote d'Ivoire, where one-third of the population is stateless, provides another example of the violent consequences of statelessness. Cote d'Ivoire's stateless population includes the descendants of Muslim farm laborers who migrated to the coffee and cocoa plantations along the Atlantic Coast. After generations of life in Cote d'Ivoire, these people were never granted citizenship. Stigmatization and ethnic cleansing drove thousands of people from their homes, provoked a counter-rebellion, and resulted in several thousand deaths and a country and economy left in shambles.<sup>39</sup> From Sudan to eastern Congo, the continent's most violent wars can all be blamed partially on statelessness and the consequences of the exclusion of large populations of people from society and opportunity provided by citizen rights.

Statelessness is linked to an increased risk for radicalization and violent extremism. Youth living in refugee camps in Lebanon, Jordan, and Uganda are often targeted for recruitment by terrorist associations. Somali youth living as refugees in Uganda have been targeted for

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<sup>38</sup> Berkeley, 7.

<sup>39</sup> Ibid., 8.

recruitment by al-Shabaab.<sup>40</sup> Al-Shabaab was designated as a Foreign Terrorist Organization in 2008. Since 2006, al-Shabaab has undertaken a violent insurgency in Somalia using guerrilla warfare and terrorist tactics. Al-Shabaab is an official al-Qa'ida affiliate and is credited with terrorist attacks in Somalia, Kenya, and Djibouti.<sup>41</sup> In Lebanon, Palestinian refugee camps are used as safe havens by Palestinian and other armed groups to house weapons and shelter criminals.<sup>42</sup> Lebanon's twelve Palestinian refugee camps are also hot spots for the operations of many terrorist designated groups. These groups include Hamas, the Popular Front for the Liberation of Palestine, the Popular Front for the Liberation of Palestine General Command, Asbat al-Ansar, Fatah al-Islam, Fatah al-Intifada, Jund al-Sham, Palestinian Islamic Jihad, and the Abdullah Azzam Brigades. These groups are all known to operate within Lebanon's borders, primarily out of Lebanon's Palestinian refugee camps.

The spillover effects from the conflict in Syria increase the risk of potential radicalization and violence among the refugee population in the region. Lebanon hosts more than one million refugees from Syria and there is concern over potential recruitment by terrorists within the refugee population.<sup>43</sup> The longer these groups live in stateless limbo, desperate, with no access to education, employment or health services, the greater the potential for recruitment by groups such as Islamic State of Iraq and Syria (ISIS).

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<sup>40</sup> United States Department of State, *Country Reports on Terrorism 2014* (Washington, DC: Bureau of Counterterrorism, June 2015), 383.

<sup>41</sup> United States Department of State, *Country Reports on Terrorism 2014*, 382.

<sup>42</sup> *Ibid.*, 383.

<sup>43</sup> *Ibid.*

## Case Studies

To demonstrate the consequences of statelessness, it is necessary to provide evidence from historical case studies on stateless populations. The following section examines the historical experience of three stateless populations including the Palestinians, the Kurdish population, and the Rohingya. Each case study will provide evidence of the impact of statelessness including linkages to human trafficking and exploitation, extreme poverty, poor health outcomes, social exclusion, radicalization, and violent extremism.

### *Statelessness Case Study: Palestinians*

Palestinians are the largest stateless community in the world. Since 1948, statelessness has been a way of life for four generations of Palestinians. There are an estimated 5.2 million stateless Palestinians spread across the Middle East.<sup>44</sup> The Palestinians are the Arab inhabitants of the area once known as Palestine, which includes present day Jordan and Israel. The majority of Palestinians are Sunni Muslims, with a large Christian minority.<sup>45</sup>

### History of Population

The area today known as Jordan, Israel, Syria, the West Bank, and Gaza was part of the Ottoman Empire until its defeat in WW I. In 1917, Palestine was captured by the British and their Arab allies from the Turks. The British government then issued the Balfour Declaration, which supported the establishment of a Jewish homeland in Palestine. In 1921, the British split Palestine to create the Kingdom of Jordan. Violence erupted between Arabs and Jews in 1920-1921 over the remainder of Palestine. All persons legally resident and registered in Palestine were British

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<sup>44</sup> James Minahan, *Nations Without States: A Historical Dictionary of Contemporary National Movements* (Westport, CT: Greenwood Press, 1996), 434.

<sup>45</sup> *Ibid.*, 435.

Protected Persons, and held British passports. The British then placed restrictions on further Jewish immigration to Palestine, but as anti-Jewish sentiment grew in Europe, more Jews began to arrive in Palestine illegally.<sup>46</sup> The British Peel Commission in 1937 recommended Palestine be divided into Arab, Jewish, and British regions, but the recommendation was refused by the Arabs. In 1945, after failure to find a solution between the Arabs and the Jews, the British turned the problem over to the newly established UN.<sup>47</sup> In April of 1947, the UN approved a plan to divide Palestine into Arab and Jewish states. The Palestinian Arabs rejected this plan, proposing that the entire region should be under Arab rule with guaranteed rights for the Jewish minority.<sup>48</sup>

#### Road to Statelessness

The Palestinian Jews declared the independence of the State of Israel in May 1948. War immediately broke out, with an estimated 700,000 Arab Palestinians fleeing the fighting. This left Israel to determine the entitlement to nationality in the newly established state.<sup>49</sup> Israel issued three laws within four years of its foundation: the Absentees' Property Law, the Law of Return, and the Israel Citizenship Law. These laws nullified the rights of the displaced non-Jewish population to return to their homes while endorsing the right of any Jew—regardless of place of origin—to unrestricted immigration and automatic citizenship.<sup>50</sup> Jewish refugees, mostly survivors of the European Holocaust, poured into the newly established state of Israel.

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<sup>46</sup> Minahan, 436.

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

<sup>49</sup> Abbas Shiblak, "Stateless Palestinians," *Forced Migration Review* 26 (August 2006): 8, accessed 16 September 2015, <http://www.fmreview.org/FMRpdfs/FMR26/FMR2603.pdf>.

<sup>50</sup> *Ibid.*

A UN brokered cease-fire left much of Palestine under Israeli rule. Egypt took control of the Gaza Strip and Jordan took control of the West Bank. Conflict continued throughout the region. In 1967, Israel also took control of the West Bank and the Gaza Strip. In August 1967, Israel registered the Palestinian residents of the occupied West Bank, but the approximate 500,000 who fled or remained outside were not registered nor granted the right to residence in the West Bank. At the same time, Jordan relinquished its claims to the West Bank, resulting in the loss of Jordanian nationality and citizenship rights by all residents of the West Bank. All Palestinians in the occupied territories became stateless Palestinians under Israeli occupation.

#### Political and Social Consequences of Statelessness

Of the 700,000 Palestinians who fled in 1948, about one-third of the Palestinians fled to the West Bank and approximately 100,000 fled to Jordan. The remainder fled to areas in Lebanon, Syria, Egypt, and throughout the Middle East. Those who fled to Jordan were granted full citizenship, while those in Syria and Lebanon faced different fates. In Syria, refugees were not granted citizenship, but they were allowed to work and own property.<sup>51</sup> In Lebanon, the stateless Palestinians have been consistently denied basic civil rights and subjected to stringent restrictions. Palestinians are denied the right to work legally in most professions, which keeps the population in an endless cycle of poverty. Palestinians are also denied the right to own property in Lebanon, further impacting their socio-economic status. For generations, Palestinian families in Lebanon have been unable to graduate from school, legally marry, hold a job, or sometimes even set foot outside of the camps in which they live. They do not have identification cards, which

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<sup>51</sup> Jessica Purkiss, "A series on statelessness: Palestinians feeling death and destruction in Syria are unwelcome visitors in host countries," *Middle East Monitor*, 3 December 2014.

limits access to services, schools, and hospitals.<sup>52</sup> The camps are surrounded by a constant military presence, reinforcing a perception that the Palestinians are a potential threat. Each time a resident leaves their home, they must pass a Lebanese Army checkpoint.<sup>53</sup>

As a result of the economic and social exclusion of the Palestinian population in Lebanon, a larger proportion reside inside camps than in other countries in the region. It is estimated that over fifty percent of the 450,000 Palestinians in Lebanon currently reside in refugee camps.<sup>54</sup> The majority of the Palestinians in Lebanon originated from the Galilee area, captured by Israel in 1948. The Palestinians were refused re-entry into Israel on the grounds that they would alter the Jewish character of the Israeli state. Permanent settlement in Lebanon is rejected by the Palestinians as it is seen as renouncing their right to return to Palestine. However, the Palestinians have sought social and economic rights in the country. These requests are consistently denied by the Lebanese government based on fear that further inclusion of Palestinians in Lebanese society threatens the delicate sectarian balance upon which the political system in Lebanon is based. Lebanon's political system was inherited from the French colonial governance that sought sectarian balance of the Maronite, Orthodox, Shia, Sunni, Druze, and other constituencies.<sup>55</sup>

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<sup>52</sup> Amnesty International, "Lebanon: Exiled and suffering: Palestinian refugees in Lebanon," 27 October 2007, accessed 28 October 2015, <http://www.amnesty.ie/sites/default/files/report/2010/04/Exiled%20and%20suffering.pdf>, 5.

<sup>53</sup> Ibid.

<sup>54</sup> Rosemary Sayigh, "Palestinians in Lebanon: Harsh Present, Uncertain Future," *Journal of Palestine Studies* 25, no. 1 (August 1995): 45.

<sup>55</sup> Sylvain Perdigon, "For Us It Is Otherwise: Three Sketches on Making Poverty Sensible in the Palestinian Refugee Camps of Lebanon," *Current Anthropology* 56, no. S11 (October 2015): 88.

The majority of the Palestinians in Lebanon live in twelve overcrowded camps under the responsibility of the United Nations Relief and Work Agency (UNRWA), created in 1949 as a temporary measure to alleviate the refugee crisis. Due to restrictions placed on the Palestinians in Lebanon, most have little choice but to live in the overcrowded and deteriorating camps. The Palestinian population has increased fourfold since 1948, yet the amount of land allocated to the refugee camps has not changed.<sup>56</sup> The camp residents are forbidden from bringing building materials into the camps, preventing repair, expansion, or improvement of their homes.<sup>57</sup>

Data from a 2010 survey conducted by UNRWA indicate that 66.4% of Palestinian men and women live below the poverty line, defined as the US\$6 necessary per person per day to cover basic food and nonfood requirements.<sup>58</sup> This same survey revealed that poverty incidence among Palestinians was eighty-nine percent higher than that of Lebanese nationals and that Palestinian men and women were four times more likely to be extremely poor (US\$2.17 or less a day) than the citizens of Lebanon.<sup>59</sup> Food insecurity is also a significant concern for the stateless Palestinians in Lebanon. The UNRWA survey showed that more than fifty-eight percent are vulnerable to food insecurity, with more than fifteen percent reporting severe food insecurity. This results in micronutrient deficiencies, which cause stunting, poor cognitive and psychomotor development of children. Poor nutrition also leads to considerable health risks for the Palestinian

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<sup>56</sup> Amnesty International, 5.

<sup>57</sup> Ibid.

<sup>58</sup> Jad Chaaban, Hala Ghattas, Rima Habib, Sari Hanafi, Nadine Sahyoun, Nisreen Salti, Karin Seyfert, and Nadia Naamani, *Socio-Economic Survey of Palestinian Refugees in Lebanon* (Beirut: American University of Beirut and the United Nations Relief and Works Agency for Palestine Refugees in the Near East, December 2010), 3.

<sup>59</sup> Ibid., 4.

population. One-third of the population is estimated to suffer from a chronic illness.<sup>60</sup>

Considering ninety-five percent of the population do not have health insurance, and most are in informal employment situations without sick leave benefits, any illness can push a household into extreme poverty.<sup>61</sup>

Palestinians refer to the state of Israel's creation as *al-nakba*, the catastrophe. As a result of the creation of Israel as a Jewish state, and the ensuing war between the Arabs and Israelis, hundreds of thousands of Palestinians became stateless.<sup>62</sup> Desperate and languishing in sprawling refugee camps in Jordan, Syria and Lebanon, thousands joined guerilla organizations that would later become the Palestine Liberation Organization (PLO). The PLO is also known as the Fatah movement, the Qur'an word for "conquest."<sup>63</sup> Fatah is the reverse acronym of the Harakat al-Qawmiyyin al-'Arab (the Palestinian National Liberation Movement).<sup>64</sup> The PLO was formally created in 1959 with the goal of liberating Palestine through armed struggle. The PLO is associated with international terror attacks, hijackings, the assassination of the Jordanian prime minister in November 1971 and the killing of seven Israeli athletes at the Munich Olympic Games in 1972. As conflict grew in the region, including the civil war in Lebanon, other groups and movements gained momentum including Harakat al-Muqawama al-Islamiya (Hamas) and the Muslim Brotherhood. These groups can also be categorized as organizations that use violence to achieve the goals of a Palestinian nation-state. Hamas emerged with the first intifada in December

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<sup>60</sup> Chaaban, 4.

<sup>61</sup> Ibid.

<sup>62</sup> Mark Ensalaco, *Middle Eastern Terrorism* (Philadelphia: University of Pennsylvania Press, 2008), 9.

<sup>63</sup> Rashmi Singh, *Hamas and Suicide Terrorism* (New York: Routledge, 2011), 39.

<sup>64</sup> Ibid.

1987.<sup>65</sup> It has become synonymous with Islamic fundamentalism and the use of violent tactics, including ongoing artillery rocket attacks against civilian populations in Israel.

Hamas dedicates significant resources towards social welfare programs for Palestinians. This social welfare assistance, to a population with high poverty rates and extensive social needs, ensures its political sustainability.<sup>66</sup> Economic sanctions and the blockade against Gaza, imposed after the 2007 election of Hamas in the territory, resulted in the collapse of the private sector and economy.<sup>67</sup> The resultant poverty and humanitarian crisis allowed Hamas to further its support amongst the Palestinian people.<sup>68</sup> The deplorable conditions of the refugee camps and life in the West Bank and Gaza, coupled with a large population of youth with limited access to economic opportunity, provides for an environment ripe for conflict and radicalization.

In a videotape after September 11, 2001, Osama Bin Laden spoke of eighty years of humiliation, referring to the imposition of borders and regimes following WW I. The overwhelming sense of betrayal, humiliation, and victimization contribute to an Arab mindset that makes defiance attractive to a broad audience. This is the appeal that groups such as ISIS, Hamas and Al-Qaeda use throughout the region.<sup>69</sup> In the absence of a functional state, or citizen rights in the countries in which the Palestinians currently reside, groups such as Hamas, and its violent ideology, will continue to garner support amongst the population.

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<sup>65</sup> Singh, 4.

<sup>66</sup> Ibid., 5.

<sup>67</sup> Ibid., 131.

<sup>68</sup> Ibid.

<sup>69</sup> Jonathan Schanzer, *Al'Qaeda's Armies: Middle East Affiliate Groups and the Next Generation of Terror* (New York: Specialist Press International, 2005), 8.

## Interventions to Address Consequences

The United Nations General Assembly established UNRWA in 1949 following the 1948 Arab-Israeli conflict. UNRWA provides humanitarian assistance, human development, protection, and advocacy for the Palestinians living in the West Bank, Gaza, Syria, Lebanon, and Jordan. There are currently fifty-nine refugee camps recognized by UNRWA and receiving support. UNRWA is the largest agency of the UN. It currently employs over 30,000 staff, ninety-nine percent of which are locally recruited Palestinians.<sup>70</sup> Most of UNRWA's funding comes from European countries and the United States. UNRWA's efforts are focused on five main program areas: (1) primary education for half a million children annually; (2) primary healthcare; (3) social services; (4) microfinance; and (5) construct and maintain homes and key infrastructure important to environmental health in refugee camps.<sup>71</sup>

UNRWA programs were historically well regarded in the Middle East. For example, test scores in UNRWA schools were as high as or higher than the government schools in Jordan, Gaza, the West Bank, and Lebanon. However, since 1999, there has been a marked decrease in these scores. In 2007 in Gaza, fourth through ninth graders had a nearly eighty percent failure rate in math and more than a forty percent failure rate in Arabic, far higher than the government run schools in Gaza.<sup>72</sup>

While UNRWA's programs provided much needed assistance to the Palestinians for the past sixty-six years, the organization is not beyond reproach. Many argue that UNRWA is a biased organization that contributes to perpetuating Palestinian dependency. This dependency

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<sup>70</sup> James Lindsay, *Fixing UNRWA: Repairing the UN's Troubled System of Aid to Palestinian Refugees*, Policy Focus 91 (Washington, DC: Washington Institute for Near East Policy, January 2009), accessed 15 December 2015, <http://www.washingtoninstitute.org/policy-analysis/view/fixing-unrwa-repairing-the-uns-troubled-system-of-aid-to-palestinian-refugee>, 1.

<sup>71</sup> *Ibid.*, 5.

<sup>72</sup> *Ibid.*, 6.

inhibits a long-term solution to the refugee situation. UNRWA is also accused of espousing the Palestinian political viewpoint that favors the right to return to the land that is now Israel. This political viewpoint results in ongoing conflict in the region and the refusal by many Palestinians to end their stateless status and assimilate into the countries in which they have resided for generations. Once a permanent solution is reached between Israel and the Palestinians on the refugee issue, UNRWA will be terminated or its mandate transformed. Until that time, UNRWA will continue to be dependent on donor support to provide essential services to the stateless Palestinians. In August 2015, UNRWA reported that it was facing the worst financial crisis in its history, due to the war in Syria and the 2014 Israeli-Gaza conflict.<sup>73</sup> This financial crisis could result in the closure of schools, health clinics, and the termination of essential social services in Gaza, the West Bank, Jordan, Lebanon, and Syria. The loss of these essential social services would not only have detrimental impacts on the individuals affected, it would likely lead to further conflict and instability in the region.

Continued failed peace negotiations between Israel and the Palestinians means that the consequences of statelessness will impact yet another generation of Palestinians. As shown above, lack of access to education, employment, healthcare, and exclusion from society have dire consequences not only for the stateless population but also for the stability of the region in which they reside. Impoverished and marginalized populations continues to be a major destabilizing factor in the volatile Middle East region.

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<sup>73</sup> Jack Khoury, "UNRWA in Financial Crisis From Warfare in Gaza, Syria," *Haaretz*, 13 August 2015, accessed 15 December 2015, <http://www.haaretz.com/middle-east-news/.premium-1.670838>.

### *Statelessness Case Study: Kurds*

The Kurds are a tribal, mountain people who trace their ancestry to the Gutu of the Assyrian Empire.<sup>74</sup> With an estimated population of twenty-four million people, the Kurds make up the fourth largest ethnic group in the Middle East. The Kurdish majority is Sunni Muslim, with Christian and Shia Muslim minorities. The majority of Kurds are divided among Turkey, Iraq, Iran, Syria, and the former Soviet Union.<sup>75</sup>

#### History of Population

Ancient Kurdistan, under Persian rule for much of its early history, was conquered by Muslim Arabs in the seventh century.<sup>76</sup> Most of the Kurdish lands then came under Ottoman rule in 1514. Promised independence, the Kurds aided the Allies' war efforts to defeat the Ottoman Empire in 1918. The Allies incorporated a provision for an independent Kurdistan in the 1920 Treaty of Sevres, but Turkey refused to sign. Following WWI, when European powers drew the borders in the region, the majority of the Kurdish population ended up split into four different countries: Iran, Turkey, Syria, and Iraq.<sup>77</sup>

The Kurds faced challenges in each of these four countries. In Iran, Kurds were jailed for organizing. In Iraq, Saddam Hussein carried out a military campaign known as Al-Anfal, using chemical weapons in Halabja in 1988. In Syria, the Kurds were denied citizenship. Finally, in Turkey, a violent civil war has been fought for decades.

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<sup>74</sup> Minahan, 314.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

Following the military coup of 1980 in Turkey, a new constitution of 1982 was approved under military rule. This constitution prohibited the use of the Kurdish language.<sup>78</sup> Additionally, Turkey did not take steps to integrate the Kurds into mainstream Turkish society. This led to uneven development and discontentment among Kurdish youth. The Kurdistan Workers Party (PKK) was born in 1978. The PKK is mostly motivated by Kurdish nationalism. It was designated as a Foreign Terrorist Organization in 1997. The PKK has been involved in terrorist activities since 1984, causing the deaths of over 30,000 people.<sup>79</sup> The marginalized Kurds in southeastern Turkey, especially unemployed youth, mobilized around the PKK. The fact that the Kurdish population felt isolated from the rest of Turkey socially, economically, politically, and culturally, played an important role in this movement.<sup>80</sup>

Following the Gulf War of 1991, the Kurds of northern Iraq created the first autonomous Kurdish state in modern history. Iraqi Kurdistan is an autonomous region in northern Iraq with a population of approximately four million people. Following the 2003 US invasion of Iraq and ouster of Saddam Hussein's regime, the Kurdish borders were expanded to give access to water and oil resources. Today, Iraqi Kurdistan remains in a state of *de facto* self-rule, dependent on international relief agencies and a weak Kurdish regional government.<sup>81</sup>

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<sup>78</sup> Emin Gurses, "Ideological Basis and Tactics of Organized Ethnic Terrorism," in *Social Dynamics of Global Terrorism and Prevention Policies*, ed. Nilay Cabuk Kaya and Aykan Erdemir (Ankara, Turkey: IOS Press, 2008), 75.

<sup>79</sup> Ibrahim Cerrah, "Countering Terrorism in a Democratic Society: The Turkish Case," in *Social Dynamics of Global Terrorism and Prevention Policies*, 139.

<sup>80</sup> Gurses, 85.

<sup>81</sup> Ronald Ofteringer and Ralf Backer, "A Republic of Statelessness: Three Years of Humanitarian Intervention in Iraqi Kurdistan," *Middle East Report* 187/188 (March 1994): 41.

## Road to Statelessness

Kurds in Syria have faced discrimination and repression of their rights for generations. In the 1950s, Syria embraced Arab nationalism. The Kurds were perceived as a threat to the unity of an Arab Syria. Therefore, in 1962 the Syrian government issued an exceptional census in the al-Hasaka province of northeast Syria. As a result of this census, a large number of Kurds in Syria became stateless.

It is estimated that 120,000 people, or about twenty percent of Syrian Kurds in Syria, lost their citizenship as a result of the census. This stateless population has now grown to approximately 300,000, as the children of stateless men are also considered stateless.<sup>82</sup> In order to retain their citizenship, Kurds had to prove residence in Syria dating to 1945. Even those who could provide proof of nationality lost their citizenship due to unfair implementation of the program.<sup>83</sup> There were significant irregularities in the census. Brothers of the same family were classified differently, and parents became stateless while their children remained Syrian or vice versa. Kurds that could not prove their Syrian residency were viewed as illegal immigrants and registered as “foreigners.”<sup>84</sup> The red identify cards issued by the ministry of interior states that they are not Syrian nationals and they are not entitled to travel.<sup>85</sup>

Many persons who lost their nationality also lost rights to their property. The property was seized by the government for the purpose of resettling displaced Arabs in the natural resource rich region. One goal of the resettlement was to ensure a barrier of Arabs existed along the border

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<sup>82</sup> Maureen Lynch and Perveen Ali, *Buried Alive: Stateless Kurds in Syria* (Washington, DC: Refugees International, January 2006), accessed 4 November 2015, <http://www.refworld.org/docid/47a6eba80.html>, 1.

<sup>83</sup> *Ibid.*

<sup>84</sup> Lynch and Ali, 2.

<sup>85</sup> *Ibid.*

of Turkey and the Kurds living in Turkey and those in Syria. Arab families were rewarded for resettling in traditionally Kurdish areas.<sup>86</sup> Kurds were ordered to resettle in areas throughout Syria.

#### Political and Social Consequences of Statelessness

The results of the 1962 census continue to have great impact on the Kurdish stateless population and the stability of the region. The impact on stateless Kurds in Syria includes the lack of access to education, healthcare, economic opportunity, travel, property ownership, and access to judicial and political systems. They are also unable to register a marriage or pass on a nationality to their children. Syrian Kurds do not have the right to vote, nor can they run for political office.<sup>87</sup> It is illegal to use or teach the Kurdish language in schools. Kurdish names are also forbidden by law, which results in the forced renaming of cities and people.<sup>88</sup>

The Syrian government does allow Kurdish children to attend primary school, but stateless Kurds face difficulties enrolling in secondary schools and universities.<sup>89</sup> Those who do find a way to enroll in university are not able to find employment. Stateless Kurds are restricted from government jobs, the practice of law, pharmacy, or medicine.<sup>90</sup>

As a result of this limited access to employment opportunities, stateless Kurds in Syria are forced to work multiple jobs in the informal sector. Earnings for this work averages around

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<sup>86</sup> Lynch and Ali, 2.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

US \$120 per month, which keeps the stateless Kurds in an endless cycle of extreme poverty.<sup>91</sup> Stateless Kurdish children are forced to work picking cotton, selling cigarettes, cleaning windows, shining shoes, and working as porters.<sup>92</sup> In order to find work in the informal sector, many stateless Kurds have migrated to large urban centers. One neighborhood, on the outskirts of Damascus, is home to nearly 2,000 stateless Kurdish families.<sup>93</sup> The neighborhood is plagued with increasing levels of crime, poor academic performance, isolation, and depression amongst Kurdish youth.

Stateless Kurds do not have access to public health services or hospitals. They are only allowed access to private doctors and health clinics, where prohibitive costs prevent most from accessing care. Without travel documents, they are also unable to seek care outside of Syria. In 2009, stunting rates in children under five were thirty-five percent in the northeastern Kurdish region of Syria compared to twenty-two percent in the rest of Syria.<sup>94</sup>

With limited options for employment in Syria, many stateless Kurds pay smugglers to take them abroad. Smuggling is incredibly risky, including the risk of death, deportation, and imprisonment. When seeking asylum in Europe, stateless Kurds are often denied and sent back to Syria. The punishment of seeking political asylum abroad is three to six months of detention. Many report being tortured during their detention in Syria.<sup>95</sup>

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<sup>91</sup> Lynch and Ali, 2.

<sup>92</sup> *Ibid.*, 3.

<sup>93</sup> *Ibid.*

<sup>94</sup> Irin, "Syria: Tackling malnutrition in the northeast," *Irin News*, 20 July 2009, accessed 2 December 2015, <http://www.irinnews.org/report/85342/syria-tackling-malnutrition-in-the-northeast>.

<sup>95</sup> Irin.

In addition to denial of rights and exclusion from society, Syrian Kurds have also faced violence. In 2004, live ammunition was used against the Kurds at a soccer match in northern Syria, killing at least thirty and wounding more than 160. The violence was in response to clashes between Kurds and Arabs in the town of Qamishli.<sup>96</sup>

#### Interventions to Address Consequences

Despite their shared oppression and the success of Kurdish groups in Turkey and Iraq to organize, Syrian Kurds have proved unable to establish strong political parties. Currently, there are more than fourteen Kurdish political parties in Syria, with varying degrees of support and influence. The Kurdish Union Party held a number of protests since its creation in 1999, and it declared its goal of autonomy for the Kurdish region. The Kurdish Freedom Party has also played a key role in mobilizing Kurds since 2004.

When the Arab Spring riots erupted in Syria in 2011, the Kurds were wary of getting involved. There remained fear of a security crackdown and backlash if they joined the uprising. There was also fear that the uprising would result in the reestablishment of Sunni Arab rule, with no change for the Kurdish situation in Syria. In addition, many in Syria also distrusted the Kurdish aspirations, believing that the Kurds would push for an autonomous region similar to the one established in Iraq. For these reasons, the Kurdish groups refused to join the rebel Free Syrian Army. Throughout the current Syrian civil war, the Kurds have cooperated with Free Syrian Army units, but on a limited basis.<sup>97</sup>

In April 2011, amid a worsening civil war, Syria's President Bashar al-Assad sought to co-opt the Kurds. On April 7, 2011, he issued a decree that promised that the Kurds stripped of

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<sup>96</sup> Michael Kennedy, "Kurds Remain on the Sideline of Syria's Uprising," *The New York Times*, 17 April 2012, accessed 21 January 2016, <http://www.nytimes.com/2012/04/18/world/middleeast/kurds-remain-on-sideline-in-syrias-uprising.html>.

<sup>97</sup> Kennedy.

their citizenship in 1962 could apply to have it restored. In July 2012, Assad's regime also ceded Qamishli to Kurdish control. The Kurds in the region quickly established a local parliament and internal security service. They received support from Turkey's PKK, with 1,000 Kurdish fighters transferred from Iraq to Syria in 2011. The Kurds have consolidated control in three northern areas of Syria.<sup>98</sup>

The Kurdish groups have been actively involved in the fight against the ISIS, which is currently encroaching on Kurdish controlled areas. Tens of thousands of Syrian Kurds fled for Turkey and northern Iraq. ISIS continues to target the Kurdish regions of Syria, including shelling villages and the capture and killing of civilians. In the chaos of the continuing civil war in Syria, it is unclear what the outcome will be for the Kurds in the country. It is estimated that very few have actually been granted the citizenship promised by President al Assad in 2011. As this population was already vulnerable due to extreme poverty and exclusion from society, they are especially at-risk as refugees fleeing the ongoing fighting in Syria. As stateless people, they often lack the identity documents necessary to apply for asylum and refugee status, leaving them with few safe options.

#### *Statelessness Case Study: Rohingya*

Statelessness can be caused by direct racial or ethnic discrimination. This is the case of the Rohingya in Burma. The Rohingya are an ethnic, religious, and linguistic minority concentrated in the northern region of Burma's Rakhine state. It is estimated that there are 1.33 million Rohingya in Burma, a predominately Buddhist country. The majority live in the northern Rakhine state (bordering Bangladesh) which encompasses the Buthidaung, Rathedaung, and

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<sup>98</sup> Barak Barfi, "The Fractious Politics of Syria's Kurds," The Washington Institute for Near East Policy, Washington, DC, 18 December 2013, accessed 21 January 2016, <http://www.washingtoninstitute.org/policy-analysis/view/the-fractious-politics-of-syrias-kurds>.

Maungdaw townships. Rakhine state is one of the most remote, poorest, and most densely populated areas in Burma.

#### History of Population

The Rohingya constitute a Muslim minority that has lived in western Burma for at least 200 years.<sup>99</sup> Burma, also known as Myanmar, is a Southeast Asian country bordered by India, Bangladesh, Thailand, China, and Laos. The Rohingya's presence in Burma is a contentious issue. The Burmese government and others in the country refer to them as "Bengalis" or "illegal migrants," referring to the migration of laborers and merchants from India during British colonial rule.<sup>100</sup> Others believe that they are an indigenous Burmese group descended from the first Muslim inhabitants in Rakhine region, arriving in the region around the ninth century.<sup>101</sup> The Rohingya Muslims often refer to themselves as "Rakhine Muslims" and trace their ancestry to Arab, Moors, Pathans, Moghuls, Bengalis, and Indo-Mongoloid peoples.<sup>102</sup> They are a distinct group, with a language and cultural identity unique to their community.<sup>103</sup>

The plight of the Rohingya is traced to WW II. Burma was colonized by Great Britain in 1824. In 1942, Japanese forces invaded Burma, and British forces retreated from the country. Following the withdrawal of foreign forces, violence erupted in the country, resulting in large migration of the Rohingya into Bengal. Burma gained independence in January 1948, and

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<sup>99</sup> Katherine Southwick, "Preventing Mass Atrocities Against the Stateless Rohingya in Myanmar: A call for Solutions," *Journal of International Affairs* 68, no. 2 (Spring/Summer 2015): 139.

<sup>100</sup> Ibid.

<sup>101</sup> Nikki Ostrand, *The Stateless Rohingya in Thailand* (New York: Center for Migration Studies, 16 July 2014), 1.

<sup>102</sup> Ostrand, 1.

<sup>103</sup> Ibid.

tensions between the government and the Rohingya continued to grow. In the 1950s, ethnic Rakhine and Muslim communities demanded autonomy from the central government, with armed factions forming within these communities.<sup>104</sup> In 1962, in an attempt to permanently exclude the Rohingya from Burmese government and society, their political and social organizations were targeted and dissolved. They were also forcibly evicted from their homes.

By 1978, more than 200,000 Rohingya had fled to Bangladesh for safety. However, they were not welcome there either. The Bangladeshi government withheld food supplies from the refugee camps, with more than 12,000 dying in the deplorable camp conditions.<sup>105</sup>

#### Road to Statelessness

The Rohingya were stripped of their nationality in 1982 on grounds of their ethnicity.<sup>106</sup> Burma's Citizenship Law denied the Rohingya citizenship and rendered them stateless.<sup>107</sup> Many of the Rohingya who survived the Bangladeshi refugee camps were forced to return to Burma, where the government enacted the Citizenship Law, which severed their legal ties to their homeland. Under this law, citizenship was granted for those who satisfied one of the following criteria: (1) The person belongs to one of the national races, such as Burma or Rakhine, but the Rohingya were not considered one of the national races; (2) The person is able to provide proof of ancestors who settled in the country before 1823; (3) The person is able to provide conclusive evidence that either he or his parents entered and resided in Burma prior to independence in 1948. In addition to these three qualifications, this law requires that a person speak one of the national

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<sup>104</sup> Ostrand, 1.

<sup>105</sup> Restless Beings, "Stateless Rohingya," Restless Beings Project, accessed 17 December 2015, <http://www.restlessbeings.org/projects/rohingya>.

<sup>106</sup> Southwick, 139.

<sup>107</sup> Ibid.

languages, which also excluded the Rohingya language. As a result of the Citizenship Law, an estimated 1.3 million Rohingya were denied citizenship and became stateless.<sup>108</sup>

#### Political and Social Consequences of Statelessness

Biased policies in Burma result in extreme discrimination against the Rohingya. These include restrictions on travel, forced labor, marriage regulations, and confiscation of land.<sup>109</sup> Rohingya who leave the country are denied the right to return and face imprisonment if they attempt to re-enter the country.<sup>110</sup> The Rohingya are confined to refugee camps and villages where they must obtain a permit to leave or seek healthcare. The Rohingya are subjected to a two-child policy, resulting in pregnant women seeking unsafe abortions.<sup>111</sup> Stateless Rohingya children are not allowed to attend secondary school in Burma.

The Rohingya have very limited access to employment, education, and health services in Burma. Doctors without Borders, or *Médecins sans Frontières*, were the main healthcare provider for the Rohingya. However, in February 2014, the group was banned from the country after caring for victims of a violent assault on a Rohingya village.<sup>112</sup> As a result of a lack of access to services, health indicators in Rakhine are the worst in the country. Maternal mortality in Maungdaw is 380 deaths per 100,000 live births, double the rate in the rest of the country. Under-five mortality is also nearly double the national average of seventy-seven. United Nations Children's Fund estimates the under-five mortality rate in Maungdaw to be 135 per 1,000

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<sup>108</sup> Restless Beings.

<sup>109</sup> Ostrand, 1.

<sup>110</sup> Ibid.

<sup>111</sup> Southwick, 139.

<sup>112</sup> Southwick, 140.

children. The acute malnutrition rate in Buthidaung is over twenty-two percent, well above the World Health Organization's fifteen percent emergency threshold.<sup>113</sup>

As a result of the continued discrimination in Burma and ongoing conflict in the Rakhine state, the Rohingya are fleeing the country in record numbers. It is estimated that more than 135,000 Rohingya have fled the country since 2013.<sup>114</sup> As stateless persons, the Rohingya face a multitude of issues when they flee Burma. With no proof of legal identity, they are unable to gain lawful employment or access refugee camps and protections. This leaves the Rohingya particularly vulnerable to trafficking and forced labor.<sup>115</sup> Hundreds die at sea every year, while others end up in forced or bonded labor on Thai and Malaysian plantations and deep-sea trawlers.<sup>116</sup> In addition, for thirty years in Bangladesh, more than 200,000 Rohingya refugees have been confined to camps, with no access to jobs or services.<sup>117</sup> Citing fear of additional refugees, the Bangladesh government prohibits all humanitarian assistance, including healthcare and food provision to the Rohingya.<sup>118</sup>

Discrimination and violence against the Rohingya have led human rights organizations to characterize the situation as ethnic cleansing and genocide.<sup>119</sup> In 2014, the US Holocaust Memorial Early Warning Project identified Burma as the country at greatest risk of state-led mass

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<sup>113</sup> Thin Lei Win, "Factbox: Facts and figures about Myanmar's Rohingya," Thomson Reuters Foundation, 25 July 2014, accessed 12 January 2016, <http://www.trust.org/item/20140725075214-vrpbmu/>.

<sup>114</sup> Southwick, 141.

<sup>115</sup> *Ibid.*

<sup>116</sup> *Ibid.*

<sup>117</sup> *Ibid.*

<sup>118</sup> *Ibid.*

<sup>119</sup> *Ibid.*, 143.

killing.<sup>120</sup> Violence against the Rohingya has recently resurfaced in Burma, with the ransacking of Muslim businesses, immolation of Muslims in the streets, and the burning of entire villages.<sup>121</sup> Outrage over the violence against the Rohingya Muslims in Burma has also led to at least one planned terrorism attack in Indonesia. In December of 2013, three men were indicted in Jakarta for planning an attack on the Embassy of Burma. The men claimed they plotted the attack in response to the treatment of the Rohingya Muslims in Burma.<sup>122</sup>

#### Interventions to Address Consequences

In December 2014, the United Nations General Assembly adopted a resolution calling on the Burmese government to amend the 1982 Citizenship Law to include the Rohingya. The UN has labeled the Rohingya as “the world’s most persecuted minority.”<sup>123</sup> In the past three years, more than 120,000 Rohingyas have tried to flee the country by ship. As many as 8,000 are believed to be stranded at sea, with no food and fresh water supplies. Countries in the region refuse to allow entry into their waters for the Rohingya seeking asylum.<sup>124</sup>

The international community continues to call for two solutions to the current Rohingya crisis in the region. First, the Association of Southeast Asian Nations needs a political framework and legal framework for the handling of refugees in the region. Second, the international community continues to pressure the Burmese government to change the Citizenship Law that resulted in the stateless status of the Rohingya people. International attention to the plight of the

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<sup>120</sup> Southwick, 144.

<sup>121</sup> Restless Beings.

<sup>122</sup> United States Department of State, *Country Reports on Terrorism 2014*, 383.

<sup>123</sup> Restless Beings.

<sup>124</sup> David Graham, “Burma Doesn’t Want the Rohingya but Insists on Keeping Them,” *The Atlantic*, 12 June 2015, accessed 17 December 2015, <http://www.theatlantic.com/international/archive/2015/06/burma-rohingya-migration-ban/395729/>.

Rohingya people has increased significantly over the past three years, but thus far, there has been no change in the region's handling of Rohingya refugees or in Burma's Citizenship Law.

*Statelessness Today: Syrians in Lebanon, Turkey, Iraq, Jordan, and Europe*

As the Syrian refugee crisis worsens, more children are born stateless every day. As stated in a recent *Rolling Stone* article, “You’re going to effectively start creating this population of people that are marginalized, that don’t have opportunities—all of the indicators you look at in terms of radicalization.”<sup>125</sup> The latest data show that at least 36,000 Syrian children born in Lebanon are currently facing a lifetime of statelessness. The crisis in Syria has resulted in the largest refugee population in the world, with an estimated four million people fleeing the country since the start of the war.<sup>126</sup> This makes the Syrian refugee crisis the worst refugee emergency since WW II. The risk to the stability of the fragile countries taking in these refugees is evident. The United Nations High Commission on Refugees estimates that two-thirds of the refugees in Lebanon and Jordan live in absolute poverty.<sup>127</sup> In Lebanon, at least one of every four people is a Syrian refugee, with the majority of the refugees being Sunni Muslims. Fear exists that this will upset the delicate sectarian balance in Lebanon, similar to what happened in 1948 with the arrival of 100,000 Sunni Palestinian refugees after the creation of the state of Israel. This imbalance is blamed for triggering the 1975-1990 civil war in Lebanon.<sup>128</sup> Driven by this fear, the Lebanese

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<sup>125</sup> John Knefel, “The Children from Nowhere,” *Rolling Stone*, 22 May 2015.

<sup>126</sup> Sly.

<sup>127</sup> Sly.

<sup>128</sup> Ibid.

government does not allow the construction of camps for the Syrians. As a result, refugees are spread over 1,700 locations in Lebanon.<sup>129</sup>

The Palestinian refugees residing in Syria for generations are doubly impacted by the latest conflict in Syria. In Syria, Palestinian refugees were comparatively better off than those who fled to other Arab countries.<sup>130</sup> Yarmouk, a refugee camp on the outskirts of Damascus in Syria, was home to 160,000 Palestinians. Prior to the start of the conflict, it was a “thriving pocket of economic activity.”<sup>131</sup> As the conflict grew beyond the government’s control in the country, rebel fighters moved into the camp and it has become a place of desperation and starvation. Over 70,000 Palestinians have fled the fighting in Syria, but are finding it increasingly difficult to seek refuge in Jordan, Lebanon, Turkey, and Egypt. Because they were never citizens, countries are reluctant to offer the Palestinians access to asylum. In a blatant show of discrimination, Lebanon’s general security directorate ordered all airlines to “not transport any traveler who is a Palestinian refugee in Syria to Lebanon no matter the reason and regardless of the documents or IDs that they hold.”<sup>132</sup> Jordan has instituted similar policies, denying access to the country, or refusing Palestinians access to official refugee camps once they arrive. Due to their status as stateless people, Palestinians are among the most vulnerable victims of the Syrian conflict, desperate to escape the fighting but with few doors open to them.

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<sup>129</sup> Kneffel.

<sup>130</sup> Purkiss, 1.

<sup>131</sup> Ibid.

<sup>132</sup> Ibid., 4.

## Conclusion

Statelessness is a phenomenon that not only impacts millions of stateless people, it also has dire consequences for the peace and security of countries around the globe. In spite of the efforts made to diminish statelessness, the problem continues to grow. States continue to change shape and borders and refugees continue to flee violent situations, resulting in additional stateless people.

Social exclusion, including political and economic exclusion, generates conditions which make countries conflict prone.<sup>133</sup> This research demonstrates that the exclusion and denial of citizen rights to the Palestinian, Kurdish, and Rohingya populations due to statelessness results in human trafficking and exploitation, extreme poverty, poor health status, low educational attainment, and in some cases, radicalization and violent extremism. If the United States and the Western world are serious about long-term stability, security, and prosperity in fragile regions of the world, the phenomenon of statelessness must end.

Every indication is that Syria will not be stable anytime in the foreseeable future. Efforts to integrate the displaced Syrians into societies as full citizens are required to avoid yet another stateless generation in the Middle East. The region must learn from the mistakes of the past including the treatment of the Palestinians, the Kurds, and the Rohingya. If action is not taken to integrate this large population of desperate people, the continued exclusion and denial of rights will lead to radicalization and violent extremism among marginalized populations. After Turkey, the United States is the second largest donor to the humanitarian crisis. However, the estimated \$3.1 million the United States is spending on the humanitarian effort is less than one-third of the

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<sup>133</sup> Frances Stewart, "Social Exclusion and Conflict: Analysis and Policy Implications," Centre for Research on Inequality, Human Security and Ethnicity, University of Oxford, Oxford, UK, January 2005, 19.

\$10.5 million spent daily on the US led military interventions against ISIS militants in Syria and Iraq.<sup>134</sup>

To end statelessness, United Nations High Commissioner for Refugees' *Global Action Plan to End Statelessness* establishes a framework with ten action steps for States. The goal of this plan is to: (1) resolve existing situations of statelessness; (2) prevent new cases of statelessness from emerging; and (3) better identify and protect stateless populations. The ten actions steps to end statelessness include: (1) resolve existing major situations of statelessness; (2) ensure that no child is born stateless by amending nationality laws; (3) remove gender discrimination from nationality laws; (4) prevent denial, loss, or deprivation of nationality on discriminatory grounds; (5) prevent statelessness in cases of state succession; (6) grant protection status to stateless migrants and facilitate their naturalization; (7) ensure birth registration; (8) issue nationality documentation to those entitled to it; (9) accede to the UN statelessness conventions; and (10) improve data on stateless populations.

Preventive action is necessary to avert future statelessness. Nationality laws must be reformed to eliminate discrimination and ensure adequate safeguards are in place to prevent statelessness. This is especially important for the thousands of children being born stateless every year. Technical assistance to states to address gaps in nationality legislation, including gaps that exclude women and children, can have tremendous impact on statelessness. In addition, measures such as civil and birth registration assistance are simple and cost-effective ways of resolving statelessness for millions of people in the world. Further assistance to states to develop simple and effective stateless determination procedures can also help to identify the magnitude of stateless populations. With better data, more effective interventions to prevent and address statelessness can be developed and implemented.

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<sup>134</sup> Sly.

The movement to end statelessness, spearheaded by groups such as Refugees International, Human Rights Watch, and Amnesty International, has generated significant support in the United States.<sup>135</sup> The State Department now includes a section on statelessness in the annual Human Rights Country Reports. In addition, countries around the world are changing nationality laws to reduce statelessness. For example, in Nepal, over 2.5 million stateless people were granted citizenship since 1995.<sup>136</sup>

Through the implementation of these ten actions steps by all countries in the world, the United Nations High Commissioner for Refugees predicts that there can be a global end to statelessness within ten years. However, with the increase in emergency and refugee situations around the world, the United Nations High Commissioner for Refugees' limited resources are instead being spent on the provision of immediate humanitarian assistance. Addressing statelessness is more complex and requires diplomatic and political will rather than simple logistical support.<sup>137</sup> Stateless populations are dispersed around the world and require unique solutions for each unique situation.

As a world leader, the United States is essential to the implementation of the action plan and the elimination of statelessness. By making the prevention and reduction of statelessness a key component of the human rights agenda in the world, and providing financial and diplomatic support to this cause, the United States can play an important role in helping to achieve this ambitious goal. In 2011, former Secretary of State Hillary Rodham Clinton launched the Women's Nationality Initiative. The initiative seeks to combat discrimination in nationality laws that prohibit women from transmitting citizenship to their children. It aims to persuade selected

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<sup>135</sup> Berkeley, 9.

<sup>136</sup> Ibid., 10.

<sup>137</sup> Ibid.

governments to repeal and amend nationality laws that discriminate against women. In support of this initiative, the United States also co-sponsored a UN resolution on the right to a nationality for women and children at the 20th Session of the UN Human Rights Council in Geneva.<sup>138</sup>

Stateless persons are among the most vulnerable men, women, and children in the world. They lack access to economic opportunity, legal protection, adequate healthcare, and education. They are subject to arbitrary arrest and detention. Nationality is a fundamental human right and a foundation for prosperity and security. Efforts to strengthen nationality rights and avoid statelessness have resulted in important achievements. However, with an estimated ten million stateless people worldwide, and a growing number of refugees fleeing violence around the world resulting in additional stateless people, further action is necessary to avoid the consequences of yet another stateless generation.

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<sup>138</sup> United States Department of State, “Statelessness,” accessed 21 January 2016, <http://www.state.gov/j/prm/policyissues/issues/c50242.htm>.

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