

CHAPTER I

INTRODUCTION

1.1. Background

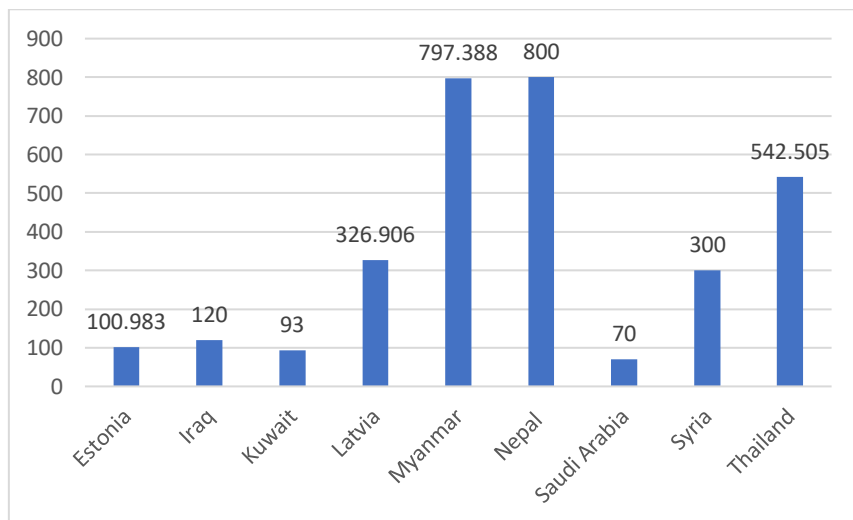
Nowadays, statelessness is a global anomaly, where statehood enjoyment is the norm. As it is definition of stateless; a person who is not considered as a national by any State under its law (sometimes referred to as *de jure* statelessness). This definition is expressly contained in Article 1 of the 1954 Convention on the Status of Stateless Persons, one of the two main international instruments directly dealing with the question of statelessness (UNHCR, 2012). Those stateless people have difficulties in providing proof of requirements that set by law for acquisition of nationality. This led to many problems such as discrimination, denationalization, and violation to human rights.

On the basis of the perception that the situation can have a serious effect on the human rights and well-being of stateless people themselves – as stated in the above quotation – but also on the finding that statelessness can have significant implications for the States concerned and for the broader international community. In their everyday lives, stateless people face various difficulties: they may lack access to healthcare, education, job opportunities, property rights and the freedom to travel freely across borders. Long-term or permanent imprisonment is one of the most serious issues facing the Stateless. Social unrest and uncertainty created by statelessness escalate into national instability and internal conflict in the worst-case scenario. In addition, as a cause of displacement, individual and national insecurity, disputes over nationality and statelessness can intensify foreign and non-international armed conflicts.

Since a long time ago, statelessness brought many impacts including individual, society, state, and even to international scope. A survey conducted by UNHCR in 2003 on statelessness

confirms that no area of the world is free from the problems which lead to statelessness. At the end of 2010, the following were the largest statelessness situations UNHCR reported on in its statistics:

GRAPHIC 1.1 Statelessness Data Reported 2010 by UNHCR



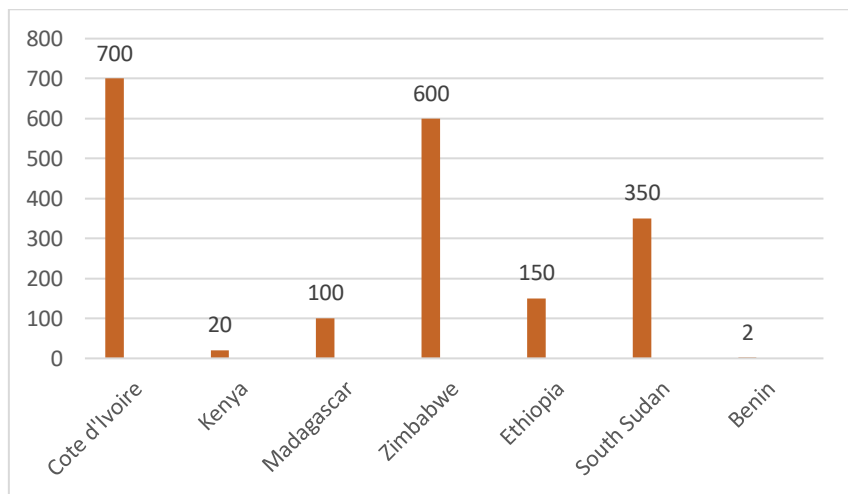
Source: UNHCR, Self-Study Module on Statelessness, 2012.

Currently, 3.9 million stateless people are recorded by UNHCR but this is considered to be an exaggeration and a global figure of at least 10 million is sometimes quoted (Nahmias, 2020). From the data above, it can be seen there are a lot of statelessness all over the world and become the international agenda. Those countries that have been mentioned come from underdeveloped category.

Statelessness is increasingly being recognized as a major problem in Africa. West Africa as one of developing countries, statelessness issues are inevitable problem in this country. In Ivory Coast, perhaps the best-known example of a persistent stateless problem in West Africa owing in part to

complex laws on citizenship is, at the moment the total stateless population is 700,000 (Mules, Ineke., 2019). Table below shows the data statelessness that have been documented in Africa including some countries from West Africa:

**GRAPHIC 1.2 Statelessness Data in Africa
Reported by Institute on Statelessness and Inclusion 2013**



Source: Institute on Statelessness and Inclusion, *The World's Stateless*, 2014.

There are some causes toward the number of statelessness in West Africa. First is about conflict of laws, nationality laws in West Africa are usually based on two definitions, or a combination of the two: *jus soli*, where nationality is acquired by someone born on State territory, and/or *jus sanguinis*, where nationality is acquired by someone whose parents are or were State residents. *Jus soli* and *jus sanguinis* laws can at times clash and create a situation whereby people become stateless. Second is falling through a gap in the law, often used to refer to an absence of safeguards. A noteworthy gap in many West African States' legislation exists in relation to foundlings (UNHCR, 2015). Other forms of legal discrepancies that trigger statelessness in West Africa stem

from circumstances surrounding civil status changes, such as divorce, attempts to obtain another nationality, and prolonged residence abroad. Third is discrimination, discriminatory rules on nationality are a cause of statelessness in countries in West Africa. Nationality laws exist that put various groups on unequal ground in relation to the right to acquire nationality or to transfer nationality via marriage or childbirth.

By 1 August 2014, 82 States including 8 in West Africa were parties to the 1954 Convention (UNHCR, 2015). The 1954 Convention is relating to the Status of Stateless Persons defines a stateless person and enunciates basic measures to protect his/her rights. Furthermore, 8 countries in West Africa were parties to the 1961 Convention, this convention provides measures countries which should take action to prevent statelessness from occurring at birth and later in life. According to that, West African countries have an obligation to respect and take a part to those convention regarding handle the statelessness problem.

West Africa has The African Charter on Human and Peoples' Rights, an international human rights instrument to promote and protect human rights and basic freedoms in the African continent. In addition to the freedoms granted under the African Charter, the people of ECOWAS (Economic Community of West African States) are entitled to enjoy the freedoms provided for in Community law. Community law does not provide for the right to a nationality; it does therefore define a citizenship of the State. The protection of these rights is guaranteed by the Court of Justice of the ECOWAS Region, to which the people of the Region have direct access. Those are several instruments that play a huge role in handling statelessness problem in West Africa.

To overcome the issues of statelessness, State is not one and only actor that should involve. NGO such as UNHCR take a part in handling statelessness problem in West Africa. There are some actions that have taken by UNHCR which are, first of

all, registration is a requirement for solving a crisis, but the detection of statelessness goes far beyond getting stateless population numbers. To gather information and statistics on statelessness in order to determine the extent of the issue and the profile of the impacted population. Second, by negotiating with States to enact safeguarded nationality legislation and to promote accession to the 1961 Convention, to avoid resolving the causes of statelessness. Third, reducing, encouraging legislative and procedural improvements that allow stateless persons to attain a nationality better and help citizens take advantage of these changes. Finally, protection, acting to assist stateless people to exercise their rights and to facilitate accession to the 1954 Convention on the Status of Stateless Persons.

Global action plan in ending statelessness has taken by UNHCR called #IBelong Campaign in 2014. The objectives of this global campaign are resolve existing major situations of statelessness, prevent new cases of statelessness from emerging, and better identify and protect stateless populations. There are ten actions within this campaign which are resolve existing major situations of statelessness, ensure that no child is born stateless, remove gender discrimination from nationality laws, prevent denial, loss or deprivation of nationality on discriminatory grounds, prevent statelessness in cases of State succession, grant protection status to stateless migrants and facilitate their naturalization, ensure birth registration for the prevention of statelessness, issue nationality documentation to those with entitlement to it, accede to the UN Statelessness Conventions, and last is improve quantitative and qualitative data on stateless populations.

#IBelong Campaign as a global action plan that initiated by UNHCR had significant impact in West Africa toward reducing statelessness problem. One of big momentum according to the efforts of combating statelessness in West Africa is the Abidjan Declaration that was declared on 25 February 2015 by the Member States of the Economic

Community of West African States (ECOWAS) on the occasion of a ministerial conference organized by the United Nations High Commissioner and ECOWAS, contains 25 commitments (UNHCR, 2016). This declaration is in collaboration with United Nations and IOM, in the context of UNHCR's campaign to end statelessness within 10 years (#IBelong Campaign).

Abidjan Declaration recognizes the causes of statelessness problem and need to undertake to prevent and reduce statelessness that must be obeyed by the member of ECOWAS. The progress after the implementation of collaboration #IBelong Campaign with Abidjan Declaration is quite successful looking from the first anniversary, one year after the adoption of the Declaration, several States have taken concrete measures to fight the scourge of statelessness. This law has enabled more than 123,000 people, including stateless ones, to submit their applications to the Ivorian authorities. Today, at least 6,400 people have already acquired documents confirming their nationality, while 6,000 others have received late birth certificates, which constitutes an important step towards confirming their nationality (UNHCR, 2016).

In second year, the achievement was way much impactful. Those are revising nationality laws that had been followed by seven countries, improve information and data collection for studies have been completed, reducing number of statelessness 45,000 persons who are stateless or at risk of statelessness have received identity documents in West Africa since #IBelong Campaign and Abidjan Declaration declared, including 34,000 birth certificates issued mainly in Benin, Côte d'Ivoire and Mali, and 10,550 nationality certificates issued in Côte d'Ivoire (UNHCR, 2017).

The Abidjan Declaration is a regional initiative in line with UNHCR's global #IBelong Campaign to End Statelessness. UNHCR launched the campaign in 2014 to mobilize governments and partners to resolve statelessness within 10 years. These efforts seem succeed handling statelessness

problem in West Africa. According to that, an explanation of the significance and progress of #IBelong Campaign by UNHCR in West Africa toward statelessness will be determine.

1.2. Research Questions

Referring to the previous explanation the researcher has explained, the research question proposed for this thesis is **“How the role of UNHCR through #IBelong Campaign could successfully reduce statelessness problem in West Africa?”**

1.3. Objective of Research

The objectives of this research are:

1. To find out the urgency of the global campaign conducted by UNHCR in overcome statelessness problems in West Africa.
2. To elaborate the significance of global campaign in handling the problem of statelessness in West Africa.
3. To explain the collaboration efforts of UNHCR with other actors in West Africa in reducing the number of statelessness.

1.4. Theoretical Framework

1.4.1. International Organization

The role of UNHCR towards statelessness problem could be explain through International Organization concept. Referring to the definition of International Organization, is a form of institution which have formal system of rules and objective. Consists of material organization such as: constitution, administrative hierarchy, local chapters, and so forth (Archer, 2001). According to Archer common characteristics of international organization are membership, aim, and structure. Indeed, UNHCR possessed those characteristics on their existence ever since.

The emergence of international relations in general is essentially a process of development of relations between countries. By forming an organization, countries will try to achieve goals that are of mutual interest and involve a broad field of life. The idea of establishing a universal international organization with the aim of maintaining world peace and security has long been the thinking of many statesmen.

Based on its function, International Organizations can be divided into two parts, namely Intergovernmental or IGO organizations and Non-governmental organizations or INGO. The two types of international organizations basically have the same role, namely achieving the core goals of each organization in accordance with their respective visions. Most importantly, the specific role of international organizations is then divided into 3 parts, namely as an initiator, facilitator, mediator (Pareira, 1993)

In contemporary world, international organizations take their place in political marketplace linking to the relationship between people, groups, businesses, nations, and states. As it explained, international organization has the audacity of making set of norms in international area which could affect other actors, especially their own members. One of the actions that international organization could take in running their role in international area is creating and constructing global movement or action plan.

UNHCR as an intergovernmental organization which focusing on refugees and statelessness issues encourages its members with the aim and structured action to achieve their goals and influence. Indicating to the topic of the research, UNCHR established #IBelong Campaign to set norms in international area for statelessness issues. Linking to the aim or goals of #IBelong Campaign, UNHCR as a part of International Organization tried to maintaining peace, through its global action to be applied in many countries.

The specific roles of International Organization which are initiator, facilitator, and mediator are included in #IBelong Campaign program of UNHCR. The initiator part is taking UNHCR to establish this global action plan to take further action in handling statelessness problem. UNHCR ability as an international organization, initiating #IBelong Campaign alongside with the programs and actions will lead UNHCR to the next role of IO which are facilitator and mediator.

For the role of facilitator, UNHCR with #IBelong campaign will give their capability in handling research, advocacy system, and place to work with the issues of statelessness. In instance, UNHCR has its own official website to run crowd funding for #IBelong Campaign, then in meantime this could succeed the aim of the plan. Mediator took UNHCR to be interact with other actors, collaborate and advocating the issues. In #IBelong Campaign case of West Africa, UNHCR is mediating issues statelessness with ECOWAS and other regional actors to achieve the better condition of statelessness in West Africa.

1.4.2. Transnational Advocacy Network

According to the case of the research, the writer used the concept of transnational advocacy network. This concept comes from Margaret E. Keck and Kathryn Sikkink. Networks of advocacy are relevant transnationally, regionally, and domestically. We can be key contributors to a convergence of social and cultural norms that can promote regional and international integration processes. They multiply the opportunities for dialog and exchange by building new links among actors in civil societies, states, and international organisations. Transnational advocacy networks 'model' concerns to make them accessible to target markets, to draw interest and inspire action, and to 'align' with suitable institutional venues. Major actors in advocacy networks may include the following (Keck & Sikkink, 2018):

- (1) international and domestic NGOs, research and advocacy organizations;
- (2) local social movements;
- (3) foundations;
- (4) the media;
- (5) churches, trade unions, consumer organizations, intellectual
- (6) parts of regional and international intergovernmental organizations;
- (7) parts of the executive and/or parliamentary branches of governments.

The focus discussion of Advocacy Networks is more concerns on the debate of human rights, environment, women empowerment, health, and also indigenous people. Relating to the issue of the research, this concept defined that statelessness problem need to be handling with transnational advocacy network by UNHCR as an intergovernmental organization. Statelessness is relevant to domestic, regional, and even transnational. In many previous actions that have been taken by UNHCR to tackle statelessness, they always try to advocate with other actors such as state, local organization, and individual. Global action plan should be inclusive in creating dialogue for international scope.

Transnational network seeks influence alike political groups and social movement. However, not much powerful than others, transnational network has kind of tactics that could be used. Those are information politics, symbolic politics, leverage politics, accountability politics (Keck & Sikkink, 2018). Linking to the actions of UNHCR in implementing global campaign toward West Africa statelessness problem, transnational network explained further details. Information politics refer to the ability of political move along with reliable data that will have most impact, UNHCR provides credible information about the condition of statelessness and tried to use this for influencing regional actors. Symbolic politics is the ability to call upon symbols, actions or stories, in #IBelong

Campaign official website they use stories and gain actions by crowdfunding then could reach the grassroot actors.

Leverage politics is a capability of powerful actors to influence a situation and other weaker institutions to make an action. In this case, UNHCR as a part of non-international organization had that power to affect other organization in West Africa such as ECOWAS to take a part in tackling this statelessness issues. Not only ECOWAS, UNHCR with its capability tried to encourage other actors such as mass media and civil society to be involved in the efforts. Because of this leverage politics from transnational advocacy network, ECOWAS launched Abidjan Declaration as a milestone of action toward statelessness, with help from other actors also. Last, accountability politics, is an attempt to assist in some formally principle that they endorsed. UNHCR with their goals in #IBelong Campaign has its own principle, according to Abidjan Declaration that is one of the products of this global campaign, need to be assist with exist principle that UNHCR has. In conclusion, the purpose of global action plan will always try to suit with the condition of the country itself. UNHCR #IBelong Campaign will networking the efforts, in this case, to West Africa in tackling statelessness.

1.5.Hypothesis

To answer the research question of the thesis, UNCHR succeed in #IBelong Campaign to reduce statelessness in West Africa because of:

1. UNHCR in collaboration with other actors advancing the efforts of #IBelong Campaign.
2. #IBelong Campaign is inclusive and could be influential for all layers of society in West Africa.
3. Regional action in West Africa is interconnected with the #IBelong Campaign, thriving the significant progress for statelessness issues.

1.6. Research Methodology

In conducting this research, the researcher would apply qualitative methodology with explanatory and descriptive way. Qualitative research is interpretative method that does not ignore the researcher perspectives in analysing data that has been obtained. Qualitative method could measure intangible elements such as interest, principles, and even power. Those things are being ones of the main features in this research to be found out. It is expected to gain in-depth understanding and analysis for relevant topics and actors within this research. This qualitative research focuses on generating descriptions, analysis, and interpretation of phenomena.

The analysis will be look up to the theory that has been applied, referring to international organization and transnational advocacy network which consist of several points, the succeed of implementing global action plan in West Africa could be determine. The data collection method used by the researcher will depend on re study, including from primary and secondary data such as books, journals, web pages, reports, articles, news, and so on. The data that was obtained will be analyse further in the next chapter.

1.7. Scope of Research

To shifting the focus of the research, author will concentrate on the work of UNHCR handling #IBelong Campaign and the collaboration with the local programs toward statelessness problem in West Africa. The progress of implementation and the statistics from this global action plan will be recorded to identify the effectiveness and successfulness in tackling statelessness problem of West Africa. Period of time will be from the establishment of #IBelong Campaign that has been implemented in West Africa.

1.8. Writing System

The writing system of this thesis will be consisting of several chapters, the following are description of the outline:

CHAPTER I portrays the background of the problem, the came up with the research question, objective of research, theoretical framework, relating those to the hypothesis, then research methodology, and last writing system.

CHAPTER II analyses the finding of the research topic. Elaborate further about the role of UNHCR in handling statelessness problem in West Africa, along with other actors, relating to the #IBelong Campaign that they have. Explaining the inclusivity of #IBelong Campaign. The interconnection of regional action with the #IBelong Campaign, and the succeed of West Africa in handling statelessness through guidance from UNHCR.

CHAPTER III concludes all the findings and analysis.