

The Role of the International Community and the Responsibility of States to the Existence of Stateless Nations from a Human Rights Perspective

Rajab Ahirullah¹

¹Faculty of Law, Universitas Indonesia, Indonesia

Email: rajabahirullah25@gmail.com

Abstract. *UNHCR estimates that 10 million people live without citizenship throughout the world. This condition of statelessness arises from various factors, which nowadays are mostly caused by state succession and prolonged conflicts between countries. The Kurds, Assamese, Palestinians and Ukrainians are some of the cases of statelessness that have received international attention. Therefore, this research was conducted to explore and analyze the development of international human rights law and the role of nation states in overcoming the phenomenon of nations without states. This research is normative juridical research based on secondary data obtained from authoritative and textual materials. The research results show that the escalation of stateless nations is increasing and living in various forms of human rights violations. Various international documents have guaranteed protection for stateless people. However, only a few countries have ratified and adopted international agreements, while their implementation only reaches the level of international commitment. In fact, systematic neglect and discrimination still occurs. There is different treatment between adopting countries and countries that do not adopt international conventions in viewing stateless people. Indonesia, Japan and the Middle East apply various criteria that serve to hinder the acceptance of stateless persons. Meanwhile, the Philippines is building a system that allows the fulfillment and protection of the rights of stateless people. Therefore, there needs to be international collaboration in building global, regional and domestic systems and networks that enable the facilitation of stateless people at a better level regardless of national origin, religion, race and other identities.*

Keywords: *Human Rights; International; Stateless Nation; State Responsibility*

Received: September 11, 2025

Revised: December 22, 2025

Accepted: January 29, 2026

INTRODUCTION

The high incidence of statelessness enjoys a tremendous impact on the implementation of human rights (Kingston, 2013, 2019; Mehtab et al., 2025; Foster & Lambert, 2016). Principally, human rights are natural to everyone and that protection is universal regardless of time or space parameters. These universal rights include the right to obtain citizenship or nationality free of any discriminations based on origin, race, ethnic origin and religious membership. The General Declaration of Human rights states that all people have the right to have a nationality and thus a legal nexus between a state and a person is created (Forlati, 2013; Adjami & Harrington, 2008; Pentassuglia, 2017; Spiro, 2010).

A citizenship status has the concomitant consequences on how other fundamental rights are to be enjoyed in due manner, secured and fulfilled by the sovereign entity (Kochenov, 2008;

Haddad, 2003). A significant rise in the population of stateless individuals and stateless nations has been triggered by the modern international processes and internal social conflicts within a nation. The International Convention on the Status of Stateless Person of 1945 describes a stateless person as a person who is not a citizen as defined by the laws of any state.

This is a serious issue because the worst outcome of statelessness is the lack of protection by any caring state to the individuals that live on its territory. The existing level of statelessness amongst countries together with the wider economic, social and political dynamics have increased significantly (Kerwin et al., 2020; Belton, 2013). The United Nations High Commissioner of refugees (UNHCR) estimates that there were 10 million stateless individuals in 2015. Saleem et al. (2026); Mbaku (2024); Strode & Khanna, (2021); Alam & Hasan, (2024) and Marandett (2024) said that, The 2024 annual reports of UNHCR revealed that there were 4.4 million stateless individuals and those whose citizenship was not determined.

However, the mentioned numbers are highly probable to be underreported as a result of the nature of the data collection. Studies of the Institute of Statelessness and Inclusiveness show that the global stateless population in 2014 was concentrated to a population of only 20 countries with more than 10,000 stateless people. The fact that stateless people are distributed across these nations is outlined below.

Table 1. Most Stateless Persons in 20 Countries

Country	Number	Notes
Myanmar	810,000	The Rohingya ethnic group does not have citizenship under the 1982 Citizenship Law
Côte d'Ivoire	700,000	Migrants of Burkinabe descent were not entitled to citizenship after independence from France
Thailand	506,197	The "hill tribes" consisting of various ethnic groups
Latvia	267,789	People rendered stateless after the dissolution of the Soviet Union
Dominican Republic	210,000	Native-born or Haitian-descendant persons affected by retroactive changes in nationality criteria
Russian Federation	178,000	People rendered stateless after the dissolution of the Soviet Union
Syria	160,000	Kurds rendered stateless following the 1962 census
Iraq	120,000	Faili Kurds declared stateless by the 1980 decree revoking the nationality of "foreign-origin" persons deemed disloyal to the state
Kuwait	93,000	Bidoon people who failed to register when Gulf states first developed nationality laws
Estonia	91,281	People rendered stateless after the dissolution of the Soviet Union
Saudi Arabia	70,000	Bidoon people who failed to register when Gulf states first developed nationality laws
Malaysia	40,000	Ethnic Indians (mainly Tamils) brought to Malaysia generations ago under British rule
Ukraine	33,271	People rendered stateless after the dissolution of the Soviet Union
Brunei Darussalam	20,524	Ethnic Chinese
Sweden	20,450	Mostly arising in the context of migration
Kenya	20,000	Members of minority groups
Germany	11,709	Mostly arising in the context of migration
Kyrgyzstan	11,425	People rendered stateless after the dissolution of the Soviet Union

Vietnam	11,000	Ethnic Chinese Cambodian and Vietnamese women who renounced citizenship after marrying foreign nationals
Poland	10,825	Mostly arising in the context of migration

Meanwhile, Einar H. Dyvik presented data on the number of stateless people in the last 19 years from 2004-2022, as described in the following graph:

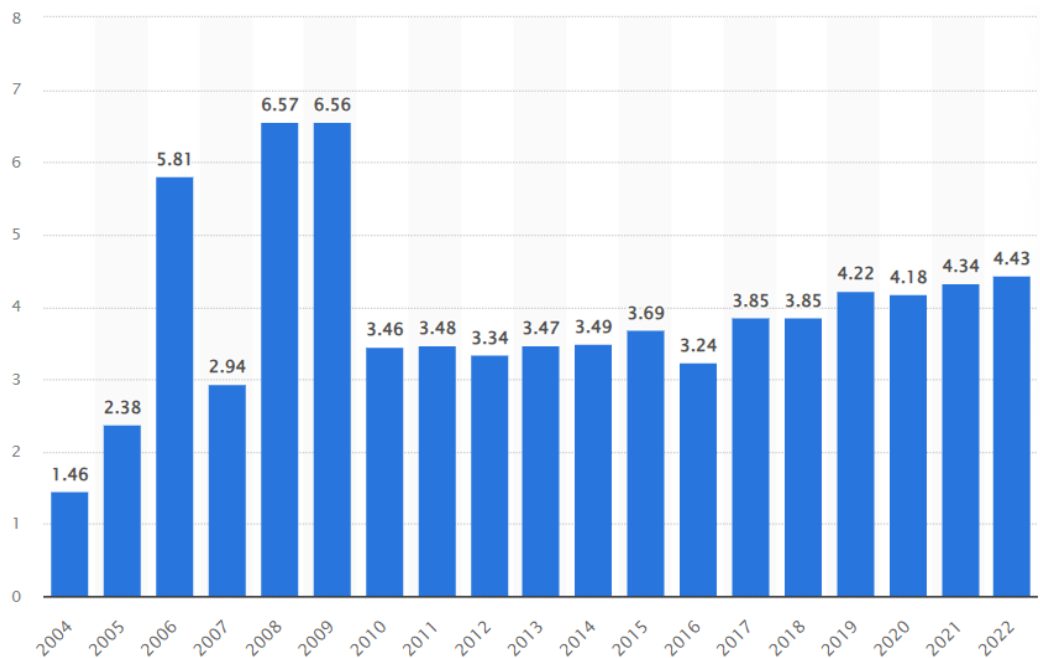


Figure 1. Number of Stateless People Worldwide 2004-2022.

Meanwhile, from a regional perspective, the largest number of stateless people is in the Asia Pacific region (1,509,696), followed by the African continent (721,418); Europe (605,689); the Middle East and North Africa (444,230); and the Americas (211,230). Several issues of statelessness that have garnered public attention this decade include: (1) the existence of the Kurds; (2) the Palestinians; and (3) the Rohingya ethnic group in Myanmar. These conditions are presented without belittling the statelessness of other parts of the world, but serve as an initial illustration of the urgency of the situation. According to Vlieks (2017) the statelessness phenomenon will be elaborated upon in a substantial discussion and analysis in the following section.

The existing situation in various parts of the world has persisted, with various factors and characteristics (Guskova & Neretina, 2013; Rentfrow et al., 2008; Church, 2005). While there is growing awareness of the importance of fulfilling the human rights of those in stateless situations, their fulfillment still faces complex obstacles. A total of 360 agreements have been made by 252 states, 70 civil society organizations, and 38 international and regional organizations. It is important to note, however, that not all of these promises contain concrete actions or stipulate a timeframe for implementation many of them are merely general descriptions (Flemmer & Schilling-Vacaflor, 2016).

Based on the description as referred to, this research attempts to discuss and analyze the issues of handling stateless nations from the perspective of the national and international human rights legal framework as well as the form of participation of the international community in fulfilling and providing protection for fundamental human rights to maintain their human dignity.

METHODS

The current study will be analyzed in normative juridical or doctrinal terms and the historical legal-historical approaches, comparative juridical approaches, and systematic legal

approaches. The secondary data, which supports the analysis, is based on the extensive review of the literature on the legal materials considered relevant and valid in relation to the major themes of this study. Such sources of the law are divided into the following categories: (1) primary legal sources, which include applicable national laws and international agreements, especially in the area of human rights law; (2) secondary legal sources, which involve literature reviews based on textual repositories, including books, journals, articles, scholarly papers, theses, dissertations, judicial opinions, documents, and reports, such as internet acquired information, and which overlap with human rights law, stateless populations, national law, and international law, and state sovereignty. The interdependence employers of these two types of sources are anticipated to complement and reinforce each other when deriving findings of a research.

Research Methodology

This study employs a combination of normative juridical (doctrinal) research and historical, comparative, and systematic legal approaches. The use of these diverse methodologies allows for a comprehensive and multi-dimensional analysis of the issue of statelessness, focusing on human rights law, state sovereignty, and the legal treatment of stateless populations (Badewa, 2022; Bahram, 2024; Bloom, 2017).

Normative Juridical Approach

The core methodology for this study is a normative juridical or doctrinal approach, which involves analyzing the legal rules, principles, and doctrines that govern statelessness and the rights of stateless individuals (Weissbrodt & Collins, 2006; Bianchini, 2017). This approach aims to evaluate the existing body of legal frameworks, both national and international, concerning the protection of stateless persons. The study critically examines the interpretations and applications of relevant laws, focusing on the principles of human rights law and how they intersect with national and international legal instruments. The normative analysis will provide a clear understanding of the current legal status of stateless individuals, the adequacy of protections offered by existing frameworks, and the effectiveness of their enforcement (Swider & den, 2017; Gyulai, 2012; Molnár, 2010).

Secondary Data and Literature Review

The secondary data supporting this study are derived from a comprehensive literature review. This involves gathering relevant and valid textual materials, including books, journals, scholarly articles, theses, dissertations, judicial opinions, and reports. These sources are essential for understanding the legal and human rights perspectives on statelessness. They also help in examining the intersection of national law, international law, and state sovereignty. The study will consider the legal literature on human rights law, the protection of stateless persons, and the legal status of stateless populations within the framework of global governance. Additionally, reports and documents from organizations such as the United Nations High Commissioner for Refugees (UNHCR) and other relevant bodies will be analyzed to complement and validate the primary legal sources.

Integration of Primary and Secondary Sources

The primary legal sources, which include national laws and international agreements such as the 1954 Convention and the 1961 Convention on the Reduction of Statelessness, will be integrated with secondary legal sources to provide a well-rounded analysis. The relationship between these two categories of legal sources is crucial, as they will be used to derive findings that reflect both the theoretical and practical dimensions of statelessness (Batchelor, 1998). The normative approach, combined with historical, comparative, and systematic methods, ensures that the analysis is both comprehensive and nuanced, providing valuable insights into how international law and state practices interact in the context of statelessness. In summary, the methodology applied in this study combines multiple legal approaches to offer a robust analysis of statelessness and the protection of stateless individuals under international and national laws. By integrating primary legal sources with secondary data and using a variety of legal methods,

this research aims to provide a deeper understanding of the current legal frameworks and propose potential solutions to address the challenges of statelessness.

RESULTS AND DISCUSSION

Indonesia's Experience and Contribution in the National and International Sphere to Stateless Nations

Indonesia is one of the states that neither ratified the 1951 Convention Relating to the status of refugees nor its 1967 Protocol; therefore, has no legal responsibility to accommodate or to take in stateless individuals. However, the Indonesian government has expressed a promise to stateless people by issuing a number of statements at the High-Level Segment on Statelessness in October 2019. The following statements highlighted four key objectives, i.e.: (1) To increase the areas of operational activity and infrastructural support related to the registration of citizens of the country; (2) To increase the use of online systems in citizenship registration and population registration; (3) To enhance collaboration with UNHCR in the process of managing refugees and asylum seekers; (4) To work together with every national government, particularly the signatories of the two Statelessness Conventions, to promote joint learning, capacity building and sharing of technologies to reduce statelessness. The fact that the above said international conventions are not ratified does not mean that Indonesia state does not respect the human rights of stateless persons (Darmawan & Heriyanto, 2023; Pinilih et al., 2022; Ariestu, 2018; Muhammad, 2024; Sutiarnoto et al. 2020; Khalid & Ardianto, 2020). Warner (2004, p. 46) observes that the idea that every human being deserves rights, which is guaranteed by the Constitution, and fitting within the context of the human-rights jurisprudence, is what makes protection universal.

More broadly speaking, the protection of human rights also should be in compliance with the normative standards established in the 1954 Convention and the 1961 Protocol on Statelessness. This congruence is indicative of the ethics of Indonesia and its firm beliefs in defending human rights, even those who have no national identity. The commitment of the government is also demonstrated by the fact that it has ratified the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment through Law No.5 of 1998 (Rodley, 2002; Kilibarda, 2022; Geamănu, 2012; Prawira, 2025). The legitimacy of this move to endorse this convention is based on the philosophic basis of Pancasila and 1945 Constitution- both the guiding principles that preach the idea of human dignity based on just and civilized humanity. A society that is well structured, civilized, according to these principles is seen to be a paramount requirement in maintaining peace, domestic order and world affluence, which in turn maintains human civilization. The convention provides that the state should not refuse, send back, or hand over a person to a different country in the event that credible evidence has shown that the individual is going to be subjected to torture or other serious offences.

Even though there are numerous challenges and burdens involved in harboring stateless Rohingya refugees, the Indonesian government has been undertaking strategic actions. These are reaching out to the governments of Malaysia and Thailand to offer temporary accommodation and the most effective help, and proactively urging the member states of the ASEAN to open the broadest protection to humanitarianism. The state has also made clear guidelines through the Ministry of Foreign Affairs to all parties to stop any violent actions, to help in restoring order in security, and to ensure the stability of the foreign-policy structure of ASEAN. This support of refugees in Indonesia is forming a mutual system with the United Nations High Commissioner of Refugees (UNHCR) and other global human-itarian and migration organizations. The collaboration with UNHCR helps provide international protection and durable solutions, i.e. repatriation or resettlement, whereas the collaboration with the International Organization of Migration (IOM) helps refugees to meet their immediate needs of food, health, and clothes. These complex partnerships include the attempts to discover, resettle, stabilize, and control migration flows.

At the same time, the Indonesian government has called on the UN and the Organization of Islamic Cooperation (OIC) to swing into action against the Myanmar government in order to stop the violence against the Rohingya ethnic group. The greater activity of the Indonesian people in dealing with Rohingya refugees, along with its attitude to the Myanmar government is an important contribution to peace in the world and human rights implementation according to the Universal Declaration of Human Rights. These actions encompass: (1) A statement of principles for the voluntary implementation of human rights norms as outlined in the Universal Declaration of Human Rights; (2) Adoption of multilateral conventions that express domestic human rights guarantees by ratifying countries; (3) Providing assistance and information to all national governments; (4) Taking action against countries that commit gross human rights violations through condemnation, embargoes, and economic sanctions.

Prayuda and Sary suggest three diplomatic channels according to Sundari in which the Indonesian nation has interacted with the Rohingya refugee phenomenon (Adiputera & Missbach, 2021; Rasyid et al., 2022). To start with, the national government has assumed a peacemaking role through diplomacy in dealing with top-level political crises that are connected to the ability of the state to exert influence on other sovereign actors. The Indonesian government activities include the following: (a) a personal engagement with the Government of Myanmar by the means of government-to-government diplomacy; (b) an invitation of ASEAN involvement to help the Myanmar government to resolve the conflict; (c) the provision of Rohingya refugees with basic needs with the help of the technical and psychosocial assistance, including food, medical supplies, and building educational institutions with children.

Second, diplomatic actors are not limited to states alone, but also non-state actors that can be involved in peacebuilding and resolution of conflicts by using diplomatic means. In this respect, Indonesia aims at contributing to the resolution process through the development of understanding, communication, and cooperation. Indonesia also lowered the tension level in Myanmar by sending one of their representatives, i.e., the Minister of Foreign Affairs, to meet with Aung San Suu Kyi to give a humanitarian offer and a 4+1 formula to the Rohingya. The following policies were supported in this proposal: (1) regional stability and internal security; (2) protection of all people, especially in Rakhine, without references to ethnic or racial background; (3) restraint; (4) opening humanitarian access; and (5) agreement that Indonesia and ASEAN would also be involved in the delivery of humanitarian aid.

This mechanism of providing humanitarian assistance is also led by the Myanmar government, with the interventions of a non-state actor, the International Committee of the Red Cross (ICRC), and other international organizations, thus fitting the vision of the Ministry of Foreign Affairs of the Republic of Indonesia and the concern of the Indonesian people towards the Myanmar conflict. Moreover, the IndonesiaMyanmar Humanitarian Alliance (AKIM) was also established on 31 August 2017 and its priorities include health, education, economic development, and technical issues. Third, the process of mobilisation of the population toward raising awareness of Rohingya situation is supported by the efforts and interactive reporting by media outlets. Varied reactions are experienced in the modern world, and ethical journalism strives to bring change in the attitude.

As a result, the peaceful alternative based on humanitarian principles provokes the Indonesian mass media to take the initiative in highlighting the humanitarian events and human rights abuses in Myanmar. It is by means of this media activity that the Indonesian population held protests and created a movement on social media, being called save Rohingya. The media also gave the two sides in the conflict an avenue through which they could bring out the substantive truths of the conflict. Accordingly, the Indonesian humanitarian diplomacy has involved the involvement of the people in that the Indonesian people view the Rohingya problem as an ethnic-muslim problem because Indonesia is the nation with the biggest Muslim majority. Therefore, driven by ethnic affiliations and pragmatic reasons, the Indonesian populace enacted the rights of the Rohingya, through media, in a manner that is articulate.

Stateless Nation in the Philippine Legal Framework

The Philippines stands as a pioneering nation in Asia, having ratified the 1954 Convention Relating to the Status of Stateless Persons and established comprehensive statutory measures for statelessness determination (Bradley & Cohen, 2010; Vecellio, 2024; Peterson, 2015). This legal framework is frequently hailed as a best practice, as it draws on the experiences of other nations that have developed similar systems. One of the most notable strengths of the Philippine approach is its rejection of the restrictive principles seen in countries like Hungary, which only allow stateless status applications from individuals already residing within the country's borders. By ensuring that applications are open to those outside the territory, the Philippine system provides a broader and more inclusive approach to statelessness.

Moreover, the Philippine model guarantees several essential legal safeguards for stateless persons, such as access to counsel, the availability of interpreters, and assistance from the UNHCR. The law also requires a joint responsibility for proving nationality, shared between the applicant and government officials, making the determination process more collaborative and transparent. In addition, the legal framework clearly defines the nexus between statelessness and refugee status, which is crucial in providing comprehensive protections for vulnerable populations. The establishment of a dedicated Unit for the Protection of Refugees and Stateless Persons further reinforces the country's commitment to transparency and the safety of stateless individuals.

In 2017, the Philippine government launched the National Action Plan (NAP) to eliminate statelessness, aligning it with the Global Action Plan to End Statelessness. The NAP outlines seven indicative actions, such as addressing existing statelessness cases, ensuring that no child is born without nationality, and eliminating gender discrimination in the Citizenship Law. These steps demonstrate the country's proactive stance on eradicating statelessness, yet the practical challenges of implementing these ambitious goals must be critically examined. While the NAP sets clear objectives, the Philippine government's capacity to fully execute these measures remains uncertain, given limited state resources and bureaucratic inefficiencies. The sheer scale of the statelessness issue, combined with the complexities of national and international legal compliance, poses significant challenges in achieving the desired outcomes.

Legislatively, the Philippines has enacted critical legal instruments to protect stateless persons. House Bill No. 3425 (2019), which focuses on the rights of refugees and stateless individuals, and Executive Order No. 163 (2022), institutionalizing access to protection services for refugees, stateless persons, and asylum seekers, are pivotal in operationalizing these protections. These documents have set up the Refugees and Stateless Persons Protection Board, further cementing the country's commitment to safeguarding the rights of vulnerable individuals. Despite these progressive legal frameworks, the implementation of these laws remains problematic. The limited capacity of government institutions, alongside the complexities of managing an increasing number of stateless persons and refugees, may hinder the efficiency and effectiveness of these policies.

While the Philippine model is lauded for its legal comprehensiveness, there remains a need for a more nuanced understanding of how stateless individuals experience these legal frameworks. The lived realities of stateless persons, including their struggles with bureaucratic delays, legal recognition, and access to services, are often overlooked in idealized portrayals of the legal system. Reports from the UNHCR and civil society organizations indicate that, despite the legal advancements, many stateless individuals in the Philippines continue to face difficulties in securing their rights. These challenges suggest that while the legal framework is progressive, its practical application may fall short in addressing the immediate needs of stateless populations.

Furthermore, a comparative analysis of the Philippines' approach with that of neighboring Asian countries, such as Indonesia, which has not ratified the 1954 Convention, could offer valuable insights. Indonesia's stance provides a contrasting example, highlighting the potential consequences of non-ratification, particularly in the areas of legal protection, access to basic

rights, and international cooperation. By drawing on these comparisons, lessons could be learned about the challenges faced by countries that have adopted similar legal frameworks and those that have not, and the ways in which national sovereignty and political considerations impact the protection of stateless persons.

In conclusion, while the Philippines' statutory determination of statelessness and comprehensive legal framework represent significant progress in the protection of stateless individuals, the practical challenges of implementation cannot be ignored. Limited state resources, bureaucratic inefficiencies, and the gap between legal protections and lived experiences of stateless persons point to the need for ongoing evaluation and reform. Additionally, a comparative perspective on the effectiveness of the Philippine model, alongside the experiences of other Asian countries, could further refine strategies for addressing statelessness in the region. Moreover, Stateless Persons Act provides clear rights of refugees and stateless persons. The two groups must obey laws of the Republic of the Philippines, maintain the national security and cause no disturbance to the country order, as the conditions that are indispensable to entry and permanent stay of the Republic of the Philippines territory. The following rights are expressed as follows:

Table 2. Rights of Refugees and Stateless Persons

No.	Rights of Refugees	Rights of Stateless Persons
1	The right not to be returned to a country where they face serious threats to life or freedom	The right to receive the same recognition as generally given to foreigners
2	The right to practice their religion and to provide religious education for their children	The right not to be forcibly expelled from the territory of the Philippines
3	The right to recognition of personal status, the right to marry, and respect for family relations	The right to personal status regulated by the law of their residence
4	The right to acquire personal property, enter into lease agreements or contracts	The right to property, including intellectual property rights, shall not be diminished compared to what is granted to foreigners in general
5	The right to recognition and respect for refugee property rights concerning discoveries, designs, models, trademarks, trade names, and literary, artistic, and scientific rights	The right to be treated equally in relation to participation in wage-earning employment
6	The right to join non-political associations, including organizations working in the field of human rights and humanitarian assistance	The right to obtain travel and identity documents in the territory of the Philippines
7	The right to access legal remedies in courts and quasi-judicial bodies	The right not to be expelled except on grounds of national security and public interest
8	The right to engage in self-employment and wage-earning employment, subject to labor restrictions for the protection of the national labor market	The right to join non-political and non-profit associations
9	The right to an adequate standard of living, housing, and medical needs, and subsistence support not less than that granted to underprivileged Filipino citizens	The right to access legal remedies in courts and quasi-judicial bodies

10	The right of children to be enrolled in schools and, where possible, to access university scholarships in state institutions as well as the right to equal treatment	The right to an adequate standard of living, food, housing, and medical needs, and to receive subsistence support not less than that granted to poor Filipino citizens
11	—	The right of children to quality education and lifelong learning opportunities for adults

The Philippine government created a Board to the Protection of the Refugees and Stateless Persons, on which its mandate includes: (1) to formulate and promulgate rules and regulations considered necessary to bring the provisions of the law into effect; (2) receive, examine and adjudicate applications to refugee or stateless status, as well as take action on applications to temporary protection measures; (3) to promote the initiatives relevant to the protection of refugees and stateless persons; (4) coordinate and cooperate with the United Nations High Commissioner of Refugees (UNHCR); (5) Stateless status can be canceled under the Stateless Persons Act in case the individual gains citizenship or regains previous citizenship. On the other hand, statelessness can also be renegotiated based on the factual errors, or errors in law, recognition by fraud or misinformation, or even new facts to show that the person was not supposed to be considered stateless.

The Supreme Court issued a rule in order to make it easier to obtain the Philippine citizenship and to streamline and minimize legal obstacles to the acquisition of the same, in addition to allowing the assimilation and naturalization of refugees and stateless persons. The principles that have been used in the application of these processes are as listed below; (1) The refugees and amorphous individuals will enjoy equal respect and dignity just like Filipino citizens without any discrimination along race, colour, sex, national background, political opinion, religion or physical or mental impairment; (2) The well-being of the families of the refugees and stateless people, especially the children, shall constantly be encouraged and preserved; (3) Children without the presence of individuals who are refugees and stateless will be attached to relevant governmental and/or non-governmental agencies to enjoy care, welfare and legal services including help in application of naturalisation.

The Executive Order No. 163/2022 is an additional technical framework, which confirms that the Philippine Immigration Act of 1940 acknowledges the alienation of stateless immigrants and gives the President the power to admit aliens as refugees based on religious, political or racial grounds in a similar vein as other groups. In this regard, the Philippine Development Plan 2017-2022 will achieve the goal of creating a legal framework through which the protection of asylum seekers, refugees, and other stateless persons will be established, including the institutionalization of access to social services and the establishment of the positive protection environment in the Philippines. The rights of refugees, stateless persons and asylum seekers such as the right to security, freedom, liberty, freedom of movement, and minimum standard of treatment are observed and safeguarded by the national policy. Such norms include the delivery of socio-economic services, the right to social security benefits, the right to work full-time in a dignified manner, education, the right to take part in judicial and administrative citizenship, legal support, access to the courts, and the freedom of religion.

Stateless Nations in the Legal Framework of Middle Eastern Countries

Middle East is a part of the Middle East-North Africa (MENA) region, which has a significant population of stateless citizens. State succession is the major cause of statelessness in MENA states. The citizenship regimes that are produced following independence of these countries have been highly influenced by the tensions in the region and in most cases a combination of factors results in statelessness. The majority of the countries in the MENA region do not have definite status-determination practices and the recognition of stateless individuals. Stateless people are therefore treated only within the provisions of the law that govern other non-nationals, such as

immigration laws, or by an assortment of a hodgepodge solutions. In a limited number of states, there are policies which give benefits to some stateless groups; in the case of the United Arab Emirates and Qatar, children born of non-citizen mothers are awarded residency and other benefits. Moreover, a number of MENA states have developed more focused, but overall ad hoc, policies towards certain population statelessness in their countries, thus permitting their protection status to be improved. When there is no status-determination procedure or any other special recognition of status, stateless people might not be able to receive identity documents that indicate their status, or might receive none at all.

Detention, expulsion and denial of the right to go back to the place of origin are among the most basic protection problems. The issues mentioned are not very common in the news, but have been encountered by certain stateless people or groups in the different MENA countries on different occasions. Housing availability, chances to live a decent life, education, medical care, and enjoyment of family life are some more issues that the stateless people in Mauritania and Iraq face. These challenges are different across countries in terms of nature and the level of their manifestation. In other aspects, states have achieved much, Kuwait has also made efforts to facilitate the right to work by the Bidoon such as opening up careers that previously were not available to the Bidoon. Some Lebanese mayors have provided stateless children with special letters in order to enable their school admissions. In Bahrain where the citizens do not pay any government fees to seek medical care, attend school among other amenities, this has now been allowed to include stateless children.

The international community is realizing the impacts of statelessness are devastating, and thus significance of its mitigation has been acknowledged. Being stateless may lead to negative impacts on both individuals, communities, states and even inter-state relationships. The international commitments and the constitutions of the countries of MENA are reflected in the promotion of individual rights and the equal opportunities to take part in the society including the right to a nationality. All the states of MENA are the members of the CRC, CEDAW and CERD. Their constitutions give guarantees as well that strengthen the determination to deal with statelessness. As an example, the constitution of Egypt does not allow any discrimination and provides the freedom of citizenship irrespective of religion. The new constitution of Iraq provides that the citizens cannot be deprived of citizenship on any ground and the same is provided in the constitution of Yemen as well. The principles of equality and non-discrimination, such as equality between the genders, are entrenched in Bahrain and Lebanon. These constitutional principles have been used in campaigns by civil-society to reform the citizenship laws and to allow women to confer citizenship on their children.

Similar gender equality guarantees were added by the new constitutional amendments in Qatar. In this regard, defending people, encouraging equality, and avoiding statelessness are essential goals that are identified in the framework of the constitution of these territories. The laws on citizenship in the Middle East and North Africa (MENA) demonstrate visible patterns in the development of regulations on citizenship acquisition and loss, and certain peculiarities in the country as well as throughout the region when compared to the other parts of the world. Although the eligibility criteria differ (say, in length of residence needed to become a citizen there are considerable variations among the MENA states regarding this aspect), most of them share similar requirements with respect to language proficiency, good character, income, and physical/mental health. The other similarity among the MENA region is that majority of countries have a strong control over loss and revocation of citizenship. MENA states may revoke citizenship based on a wide range of reasons, the most common of them being the commission of an act or crime that endangers state security, service to a foreign state, or fraudulent acquisition of citizenship, except in Lebanon where the reasons include a limited number of grounds, which include a threat to the state security, and the provision of services to a foreign state. Another trend is that citizenship obtained through the naturalization process is much more fragile, more prone to the loss or deprivation, as compared to citizenship obtained at birth.

In the citizenship regulations of the region, creating conditions of loss or revocation, there are no provisions that protect against revocation, on the ground that such would lead to statelessness. The other alarming tendency in the MENA region is the introduction of strict and, in certain aspects, obviously problematic conditions of naturalization. In other countries, the eligibility period may take a minimum of 20 years and above before an individual can apply. Others limit naturalization to the individuals with the qualified qualifications in the country, do not allow non-Muslims to naturalize or have a maximum quota of naturalization per year. These factors, including income and health needs, add to the problem of naturalization of many persons. As a matter of fact, in states where the stateless numbers are high, naturalization is practically unavailable and being stateless remains a serious issue. Most of the MENA nations have also restricted entry into the territories. The citizenship of some classes of individuals, in the light of the complications of the formation of a Palestinian state, tends to cause the denial of citizenship of people of Palestinian origin in their host nation.

Table 3. Reasons for Loss of Citizenship

Country	Residence Abroad	Service to a Foreign State	Allegiance to an Enemy State	Crimes Against the State	Serious Non-Political Crimes	Fraud	Extraordinary Grounds
Algeria	-	Art 23 (3)	-	Art 22 (1)	Art 22 (2)	-	-
Bahrain	-	Art 10 (a)	Art 10 (b)	Art 10 (c)	Art 8 (2)	Art 8 (1)	-
Egypt	Art 15 (3)	Art 16 (2,4,6)	-	Art 15 (2) and 16 (3,5)	Art 15 (1)	Art 15	Zionist (Art 16 (7))
Iraq	-	-	-	Art 15	-	Art 15	-
Jordan	-	Art 18 (1, 2a)	Art 18 (2b)	Art 18 (2c) and 19 (1)	-	Art 19 (2)	-
Kuwait	-	Art 13 (4) and 14 (1)	Art 13 (5) and 14 (2,3)	-	Art 13 (2)	Art 13 (1)	Leaving Islam (Art 4 (5)) and Dismissal for Dishonesty (Art 13 (3))
Lebanon	-	-	Art 8 (2)	-	-	-	-
Libya	Art 13 (2)	-	-	Art 13 (1)	-	Art 12	Justified Decision (Art 14)
Mauritania	-	Art 33 (3)	-	Art 33 (1)	Art 33 (2)	Art 22	Physical or Mental Disability (Art 14)
Morocco	-	Art 19 (5)	Art 22 (3)	Art 22 (1a,1b)	Art 22 (1d)	Art 14	Terrorism (Art 22 (1c))
Oman	-	Art 13 (3)	Art 13 (4)	Art 13 (5)	-	Art 13 (1)	Atheism (Art 13 (2))
Qatar	Art 12 (4)	Art 11 (1)	Art 11 (2)	Art 11 (3,4)	Art 12 (2)	Art 12 (1)	For Public Interest (Art 11,12) and Dismissal for Dishonesty (Art 12 (3))
Saudi Arabia	-	Art 13 (b,d)	Art 13 (c)	Art 21 (b)	Art 21 (a)	Art 22	Working at an international organization despite being ordered to resign (Art 13(d))

Syria	Art 21 (e,g)	Art 21 (b,c)	Art 21 (d)	Art 21 (f)	-	Art 20	-
Tunisia	-	Art 32	-	Art 32 (1,2)	Art 33 (3)	-	Failure of Military Obligation (Art 33 (4))
UAE	Art 16 (4)	Art 15 (a)	Art 15 (b)	Art 16 (1)	Art 16 (2)	Art 16 (3)	-
Yemen	Art 18 (b)	Art 19 (a,b,c)	-	Art 18 (d) and 19 (d)	Art 18 (a)	Art 18 (c)	-

The Middle East and North Africa (MENA) region has long been characterized by complex and restrictive citizenship laws that contribute significantly to the phenomenon of statelessness. These laws, which are shaped by factors such as state succession, demographic control, and security concerns, often result in marginalized populations being denied access to nationality. While many countries in MENA have ratified key international human rights treaties, such as the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the implementation of these treaties often falls short in practice. This gap between international commitments and domestic policies raises critical questions about the political motives and structural barriers that perpetuate statelessness in the region.

For instance, Egypt's constitution guarantees the freedom of citizenship without religious discrimination, while Iraq and Yemen affirm that no citizen can be deprived of nationality on any grounds. However, despite these constitutional guarantees, the practical application of citizenship laws remains restrictive. Many countries, including Bahrain and Lebanon, have entrenched principles of equality and non-discrimination in their constitutions, which have been leveraged by civil society to advocate for reforms, such as granting women the right to pass on nationality to their children. Despite these advances, significant legal and societal hurdles persist in many MENA states, hindering progress toward gender equality in citizenship laws. The introduction of constitutional amendments in Qatar and other countries is a step forward, but the issue remains far from resolved, particularly in areas where traditional gender roles are deeply entrenched.

One of the primary causes of statelessness in MENA is restrictive naturalization policies, which vary widely across the region. In many MENA countries, naturalization remains an arduous and often impossible process, marked by prolonged residence requirements (sometimes up to 20 years), stringent qualifications, and quotas that limit the number of naturalizations allowed each year. Some countries, such as Saudi Arabia and Qatar, impose additional criteria, including religious and cultural restrictions, which further complicate the naturalization process for non-Muslim or minority applicants. This approach is particularly problematic in countries with high numbers of stateless individuals, where the lack of pathways to naturalization contributes to the perpetuation of statelessness.

Furthermore, many MENA countries maintain strong control over the loss and revocation of citizenship, with a broad range of reasons for citizenship revocation, including acts that endanger state security, allegiance to foreign states, or the commission of crimes against the state. These regulations often fail to include safeguards against statelessness, meaning that individuals deprived of their citizenship may find themselves without a country to claim as their own. While Lebanon has a relatively narrower set of grounds for revocation, including service to a foreign state or threats to state security, the overall trend in the region is towards a policy that exacerbates statelessness, rather than mitigating it.

One of the most critical examples of this issue is the situation of Palestinian refugees and their descendants. The political dynamics surrounding the Palestinian cause have led to

widespread denial of citizenship for people of Palestinian origin in many host countries, such as Lebanon and Jordan, where they remain in legal limbo. Despite being recognized as refugees under international law, their inability to secure citizenship in these countries perpetuates their statelessness, making them highly vulnerable to exclusion from basic rights and services. This is a clear example of how political and security concerns often outweigh humanitarian obligations, with citizenship being used as a tool for demographic and political control, rather than as a mechanism for inclusion and protection.

The broader regional trends highlight the importance of understanding the political and security concerns that underlie citizenship laws in MENA. The marginalization of certain groups, such as the Bidoon in Gulf countries, and the denial of nationality to Palestinians are not merely legal issues but are deeply embedded in the region's geopolitical struggles. The refusal to grant citizenship to these groups is often justified on national security grounds, yet this perpetuates cycles of poverty, exclusion, and instability. The international community, through treaties such as the CRC, CEDAW, and CERD, has made commitments to protect the rights of stateless persons, but the gap between international norms and domestic practices remains vast. The ratification of these conventions does not always translate into effective domestic policies or legal protections for stateless individuals.

The challenges faced by stateless persons in MENA countries are not merely legal but are also shaped by broader political dynamics, which often prioritize state sovereignty and national security over the rights of individuals. As such, while legal reforms and constitutional guarantees may provide a foundation for addressing statelessness, a more comprehensive and critical approach is required to address the political, social, and economic factors that perpetuate this issue in the region. In conclusion, while MENA countries have made strides toward addressing statelessness, particularly through constitutional guarantees of equality and the ratification of international treaties, the implementation of these policies remains inconsistent. The legal frameworks in the region often fail to account for the complex political dynamics that drive statelessness, such as the exclusion of Palestinians and the marginalization of minority groups like the Bidoon. To effectively mitigate statelessness, a more critical approach is needed one that not only focuses on legal reforms but also interrogates the political and security concerns that underpin citizenship laws in the region. Only by addressing these deeper issues can MENA countries create a more inclusive and equitable system for their populations, ensuring that all individuals are able to enjoy the right to a nationality and the full spectrum of human rights that it entails.

CONCLUSION

Based on the discussion, it can be concluded that the handling of citizenship issues in various regions shows significantly different approaches, influenced by international legal commitments, institutional capacity, and political considerations of each country. Indonesia, although not yet a party to the 1954 and 1961 Statelessness Conventions, continues to demonstrate a normative and practical commitment to protecting the human rights of stateless persons through humanitarian diplomacy, cooperation with the UNHCR and the IOM, and active participation in regional and international forums, particularly regarding the Rohingya crisis. Conversely, the Philippines emerges as a progressive model in Asia with a comprehensive legal framework and a clear mechanism for determining statelessness, although it still faces implementation challenges due to limited resources and the gap between legal norms and the actual experiences of stateless persons. Meanwhile, countries in the Middle East and North Africa (MENA) exhibit restrictive citizenship patterns, where political, security, and demographic interests often hinder the granting of citizenship rights, despite constitutional guarantees and commitments to international human rights instruments. These findings confirm that efforts to address statelessness are not sufficient through formal law alone, but also require political will, a consistent humanitarian approach, and integration between international norms and national practices so that the protection of the rights of stateless persons can be realized effectively and sustainably.

REFERENCES

- Adiputera, Y., & Missbach, A. (2021). Indonesia's foreign policy regarding the forced displacement of Rohingya refugees: Muslim solidarity, humanitarianism, and non-interventionism. *Asia-Pacific Journal on Human Rights and the Law*, 22(1), 69-95.
- Adjami, M., & Harrington, J. (2008). The scope and content of article 15 of the universal declaration of human rights. *Refugee Survey Quarterly*, 27(3), 93-109. <https://doi.org/10.1093/rsq/hdn047>
- Alam, J., & Hasan, M. N. (2024). Nationality, statelessness, and human rights: Does 'everyone' really have the right to nationality under Article 15 of the UDHR?. *Human Rights after 75 Years of the Universal Declaration of Human Rights: Reflections from the Global South*, 145, 448. https://doi.org/10.1163/9789004517967_023
- Ariestu, I. P. D. (2018). The State Responsibilities Relating to Human Rights Violations to The People with Stateless Persons Status in Rohingya Crisis. *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, 7(2), 154-164.
- Badewa, A. S. (2022). Statelessness, Development, and Protection of 'Disadvantaged Groups': bridging the post-2030 sustainable development gaps. *African Human Mobility Review*, 8(3), 56-74.
- Bahram, H. (2024). *Statelessness Beyond Citizenship: Kurds of Syria and the Struggle for Identity Between Home and Exile* (Doctoral dissertation, Linköping University Electronic Press).
- Batchelor, C. A. (1998). Statelessness and the problem of resolving nationality status. *International Journal of Refugee Law*, 10(1-2), 156-182. <https://doi.org/10.1093/ijrl/10.1-2.156>
- Belton, K. A. (2013). Statelessness and economic and social rights. In *The State of Economics and Social Human Rights: A Global Overview*, edited by Lanse Minkler, 221-247. New York: Cambridge University Press
- Bianchini, K. (2017). A comparative analysis of statelessness determination procedures in 10 EU states. *International Journal of Refugee Law*, 29(1), 42-83. <https://doi.org/10.1093/ijrl/eex009>
- Bloom, T. (2017). Members of colonised groups, statelessness and the right to have rights. In *Understanding Statelessness* (pp. 153-172). London: Routledge. <https://doi.org/10.4324/9781315200460>
- Bradley, M., & Cohen, R. (2010). Disasters and displacement: Gaps in protection. *Journal of International Humanitarian Legal Studies*, 1(1), 95-142.
- Church, D. L. (2005). Major factors affecting the emergence and re-emergence of infectious diseases. *Clinics in laboratory medicine*, 24(3), 559. <https://doi.org/10.1016/j.cll.2004.05.008>
- Darmawan, F. D., & Heriyanto, D. S. N. (2023). Invoking International Human Rights Law To Prevent Statelessness Of International Refugee Children Born In Indonesia. *Prophetic Law Review*, 22-41. <https://doi.org/10.20885/PLR.vol5.iss1.art2>
- Flemmer, R., & Schilling-Vacaflor, A. (2016). Unfulfilled promises of the consultation approach: the limits to effective indigenous participation in Bolivia's and Peru's extractive industries. *Third World Quarterly*, 37(1), 172-188. <https://doi.org/10.1080/01436597.2015.1092867>
- Forlati, S. (2013). Nationality as a human right. In *The Changing Role of Nationality in International Law* (pp. 18-36). London: Routledge. <https://doi.org/10.4324/9780203436974>

- Foster, M., & Lambert, H. (2016). Statelessness as a human rights issue: A concept whose time has come. *International Journal of Refugee Law*, 28(4), 564-584. <https://doi.org/10.1093/ijrl/eew044>
- Geamănu, R. F. (2012). Implementing A National Preventive Mechanism For The Prevention Of Torture And Other Forms Of Cruel, Inhuman Or Degrading Treatment Or Punishment In P. *LESIJ-Lex ET Scientia International Journal*, 19(2), 45-66.
- Guskova, N. D., & Neretina, E. A. (2013). Threats of natural character, factors affecting sustainable development of territories and their prevention. *Journal of the Geographical Institute "Jovan Cvijic", SASA*, 63(3 Conference Issue), 227-237.
- Gyulai, G. (2012). Statelessness in the EU framework for international protection. *European Journal of Migration and Law*, 14(3), 279-295.
- Haddad, E. (2003). The refugee: The individual between sovereigns. *Global Society*, 17(3), 297-322. <https://doi.org/10.1080/1360082032000104532>
- Kerwin, D., Alulema, D., Nicholson, M., & Warren, R. (2020). Statelessness in the United States: a study to estimate and profile the US stateless population. *Journal on Migration and Human Security*, 8(2), 150-213. <https://doi.org/10.1177/2331502420907028>
- Khalid, F., & Ardianto, B. (2020). Stateless Person Dalam Tinjauan Hukum Nasional Dan Hukum Internasional Di Indonesia. *Uti Possidetis: Journal of International Law*, 1(3), 277-309.
- Kilibarda, P. (2022). Torture and other cruel, inhuman or degrading treatment or punishment in international law: towards a generic definition?. In *Research Handbook on Human Rights and Humanitarian Law* (pp. 435-461). Edward Elgar Publishing. <https://doi.org/10.4337/9781789900972.00034>
- Kingston, L. N. (2013). "A forgotten human rights crisis": Statelessness and issue (non) emergence. *Human Rights Review*, 14(2), 73-87. <https://doi.org/10.1007/s12142-013-0264-4>
- Kingston, L. N. (2019). Conceptualizing statelessness as a human rights challenge: Framing, visual representation, and (partial) issue emergence. *Journal of Human Rights Practice*, 11(1), 52-72. <https://doi.org/10.1093/jhuman/huz010>
- Kochenov, D. (2008). Ius tractum of many faces: European citizenship and the difficult relationship between status and rights. *Colum. J. Eur. L.*, 15, 169.
- Marandett, R. (2024). On the Road to Nowhere: The Unique Challenges Stateless People Face in Removal Proceedings and the Untenable Legal Limbo following Final Orders of Removal. *CUNY L. Rev.*, 27, 37.
- Mbaku, J. M. (2024). International Human Rights Law, Statelessness, and the Right to a Nationality in Africa. *Indon. J. Int'l & Comp. L.*, 11, 301.
- Mehtab, M., Rehman, T. U., & Asher, R. (2025). A global perspective on human rights violations: Illegal detention, statelessness, and family separation. *Contemporary Journal of Social Science Review*, 3(2), 2909-2920. <https://doi.org/10.63878/cjssr.v3i2.916>
- Molnár, T. (2010). Stateless persons under international law and EU Law: a comparative analysis concerning their legal status, with particular attention to the added value of the EU legal order. *Acta Juridica Hungarica*, 51(4), 293-304. <https://doi.org/10.1556/ajur.51.2010.4.4>
- Muhammad, M. (2024). Stripped of Rights: The Battle for Justice and Legal Certainty for Stateless Persons in Indonesia. *Indonesian Journal Of Advocacy And Legal Services*, 6(1), 133-168. <https://doi.org/10.15294/ijals.v6i1.30563>

- Pentassuglia, G. (2017). Self-determination, human rights, and the nation-state: Revisiting group claims through a complex nexus in international law. *International Community Law Review*, 19(4-5), 443-484. <https://doi.org/10.1163/18719732-12340007>
- Peterson, G. (2015). Sovereignty, international law, and the uneven development of the international refugee regime. *Modern Asian Studies*, 49(2), 439-468. <https://doi.org/10.1017/S0026749X14000341>
- Pinilih, S. A. G., Sulistyawan, A. Y., Cahyaningtyas, I., & Prabandari, A. P. (2022). The Legal Policy Of Citizenship In Fulfilling The Rights Of Stateless Persons As An Effort To Fulfill Human Rights In Indonesia. *Diponegoro Law Review*, 7(1), 17-33. <https://doi.org/10.14710/dilrev.7.1.2022.17-33>
- Prawira, M. R. Y. (2025). Regulation Act of Torture in Criminal Code: Opportunity and Challenge to Improve Human Rights Situation in Indonesia. *JUSTISI*, 11(1), 17-35. <https://doi.org/10.33506/js.v11i1.3653>
- Rasyid, S., Prabandari, A. P., Daren, B. C., & Simanjuntak, C. (2022). The Role of Indonesian Diplomacy in Managing the Conflict between The Myanmar Government and The Rohingya Muslim Ethnic. *Unnes Law Journal*, 8(1), 159-178.
- Rentfrow, P. J., Gosling, S. D., & Potter, J. (2008). A theory of the emergence, persistence, and expression of geographic variation in psychological characteristics. *Perspectives on Psychological Science*, 3(5), 339-369. <https://doi.org/10.1111/j.1745-6924.2008.00084.x>
- Rodley, N. S. (2002). The definition (s) of torture in international law. *Current Legal Problems*, 55(1), 467-493. <https://doi.org/10.1093/clp/55.1.467>
- Saleem, M., Barkat, A., & Parmar, H. (2026). Naturalization By Investment: A Critical Analysis and the Issue of Stateless Refugees. *ASSAJ*, 5(01), 457-488.
- Spiro, P. J. (2010). Dual citizenship as human right. *International journal of constitutional law*, 8(1), 111-130. <https://doi.org/10.1093/icon/mop035>
- Strode, M., & Khanna, M. (2021). Improving official statistics on stateless people: Challenges, solutions, and the road ahead. *Statistical Journal of the IAOS*, 37(4), 1087-1101. <https://doi.org/10.3233/SJI-210878>
- Sutiarnoto, S., Leviza, J., & Azam, S. (2020). Rohingya Stateless Persons: Role of Unhcr in Refugee Protection and Lack of Adequate Legal Protection in Indonesia. *Yustisia*, 9(2), 287-305. <https://doi.org/10.20961/yustisia.v9i2.43196>
- Swider, K., & den Heijer, M. (2017). Why union law can and should protect stateless persons. *European Journal of Migration and Law*, 19(2), 101-135.
- Vecellio Segate, R. (2024). Biometric Technology at the Borders of Citizenship: Identifying Technical Standards for Introducer-Based Remote Onboarding in Global Contexts of Statelessness, Nomadism, Displacement, and Refuge. *International Journal of Digital Law and Governance*, 1(2), 313-360. <https://doi.org/10.1515/ijdlg-2024-0010>
- Vlieks, C. (2017). Contexts of statelessness: The concepts 'statelessness in situ' and 'statelessness in the migratory context'. In *Understanding Statelessness* (pp. 35-52). London: Routledge. <https://doi.org/10.4324/9781315200460>
- Weissbrodt, D. S., & Collins, C. (2006). The human rights of stateless persons. *Human Rights Quarterly*, 28(1), 245-276. <https://doi.org/10.1353/hrq.2006.0013>