

Citizens of Nowhere: Nationalism, citizenship and the problem of statelessness

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Applying for a job, travelling outside the country you were born in, getting married to the person you love – these are all freedoms most of us take for granted. Yet for many people they hold no legal rights to do these things. Across the world today, there are over 10 million people in this position – they are stateless, that is, they do not hold a nationality or citizenship of any country. There are many reasons why people are stateless, for instance, discrimination, state succession or the legacy of colonialism. This article examines stateless Arab Bedouin communities in the Middle East as a case study to highlight the problem of protecting human rights outside national citizenship, and why there is a moral right to citizenship.

Statelessness in historical and contemporary context

Hannah Arendt, a Jewish political theorist who was stateless herself for a period from 1937-1951, showed that statelessness emerged as a significant problem following the outbreak of World War One

and the displacement of huge numbers of minority populations. However, statelessness as a phenomenon still exists today across all regions of the world. The consolidation of the nation-state model of political organisation has exacerbated the problem. While the United Nations is implementing an ambitious campaign to end statelessness by 2024, contemporary conflicts like the war in Syria are creating more stateless persons.



Abu Hindi primary school, valley of Abu Hindi, Occupied Palestinian Territories. Nicknamed the 'bamboo school' because it was constructed out of bamboo in 2010, with the support of a collective of Italian architects and engineers (ARCo) and NGO (Vento di Terra).



Aida refugee camp, near Bethlehem. A woman holds up a key symbolising the 'right of return' for Palestinian refugees, many of whom are stateless, to their homes from which they were expelled in the 1948 Arab-Israeli War.

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A lesson in progress at Abu Hindi bamboo school.



A man rides a donkey across the school playing field. Some pupils take a long journey over rugged terrain by donkey to reach the school each day.



Pupils interact with their teachers during break time.



Boys deep in conversation during their break time.

The lack of a recognised identity

Despite, or rather in spite of, being more globally interconnected than ever before, it is clear that people have a deep human need to belong to communities that have some notion of shared meanings – such as language, culture and history. Yet for stateless people, who are excluded from all political communities, it is not only this sense of belonging they lack, but also legal rights and freedoms usually enabled by citizenship. In addition, having no legal status often means not being able to preserve their culture when this is threatened by governments and multinational corporations.

Hannah Arendt: the impossibility of human rights outside national citizenship

Arendt argued that statelessness highlights the problem of the idea of human rights. If you are a citizen of nowhere, outside the protective sphere of the nation-state, it is impossible for your human rights to be upheld. Stripping minorities of their citizenship (denationalisation), such as the denationalisation of the Jews during the Second World War, legally permits the persecution of people and means governments can shirk their responsibility more easily. Now more commonly, governments do not grant citizenship to minorities in the first place.

Nomadic stateless populations

Some stateless populations are nomadic communities, and traditionally have travelled across the territorial boundaries of states. In Kuwait for example, stateless Arab Bedouin communities (*bidūn*) are subject to discrimination by the authorities. Often these communities try to acquire legal and political rights through obtaining citizenship but are unable because they are deemed 'illegal residents' by the government. Yet some *bidūn* reject affiliation with Kuwaiti national identity because they wish to preserve their traditions and way of life. They desire the protections of the legal recognition that citizenship provides, but they do not wish to have national citizenship.

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Arendt pointed out that a criminal has more legal rights, such as the right to due process, than the stateless person. In contrast, because a stateless person lacks any kind of legal recognition they can simply be forgotten. This is the case for the *bidūn*, who face

administrative barriers to enjoying basic rights, rather than direct violent persecution or criminal prosecution.

The case of nomadic peoples such as the *bidūn* shows us that conflation between national identity and citizenship can be unhelpful. International human rights doctrines, most notably the 1948 Universal Declaration of Human Rights, asserts the right to a nationality. As we have seen though, this is not always an important freedom to some minority populations. Yet the sovereign nation-state has overwhelmingly become the model for how rights and duties are attached to citizenship.

How can we protect human rights outside of citizenship?

What all stateless persons lack is the legal recognition, and usually rights, that come with citizenship status. There are numerous examples of peoples that collectively believe themselves to have a national identity, for instance the Kurds, even if they do not have citizenship of a sovereign state, or nationality, that reflects this.

Without some kind of supranational or world government to provide protections, we can see that some persons will fall through the cracks and be citizens of nowhere. Even if such international or global protection were desirable, this is not currently feasible. We are left with the fact that nation-state citizenship is the only practicable way to secure legal rights. If we believe human rights are truly universal, then we should be convinced that everyone has the moral right to be a citizen of a nation-state.

Moral principles to achieve citizenship justice

But if someone does not belong anywhere, how are we to decide which political community they are entitled to join? This is a difficult

question, morally and practically. One principle that could help decide this is the physical, socio-political, emotional and other ties that individuals have to a particular state. Ayelet Shachar argues that a person ought to have a moral right to citizenship on the basis of having a “genuine connection” with the political community in which they wish to gain membership. For refugees the notion of genuine connection makes sense because they often develop these ties with the political community they reside in over time.

However, for stateless persons who are not refugees, often what they want is to obtain membership of a different state than the one they reside in. Or, alternatively, it might be a hypothetical political community, such as Kurdistan. Many stateless communities and existing states believe that hypothetical nation-states must be transformed into real nation-states. National identity needs to be officially recognised and protected through legal rights in the form of an actual sovereign nation-state. Therefore, we also need to consider other principles that can help to guide policy for causes of statelessness not linked to migration.

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Aida refugee camp. Graffiti art referring to UN General Assembly Resolution 194 which states the 'right of return' for Palestinian refugees.

Solving the problem of statelessness

Statelessness is a complex problem. If we are serious about ending statelessness we need to be clear about what solutions are fair and just. Simply encouraging states to grant citizenship to stateless persons that physically reside in their territories through the principle of "genuine connection" does not address comprehensively the range of causes of statelessness. Fully understanding the nature of the problem is necessary to be able to fix it and ensure citizenship justice.

Arendt demonstrated the relationship between national identity and citizenship can be fraught. The cases of nomadic stateless communities show that sometimes the ideal of citizenship needs to be disconnected from national identity. The model of citizenship that is predominantly in use around the world today is not static – it can change. The European Union demonstrates that persons can be afforded rights in addition to those provided by national citizenship. These examples reveal the value of citizenship beyond simply the official recognition of national identity. Nevertheless, based on the current realities of the world political system, it is important to reaffirm that citizenship of a (nation-)state, and the legal protections it carries with it, are essential to securing the freedom of every human.



Animal shelter built by Bedouin on the hill side, Abu Hindi valley.



Street in Aida refugee camp.