STATELESSNESS, PROTECTION AND THE CHALLENGES OF RESETTLEMENT

Professor Brad K. Blitz
Kingston University, London
b.blitz@kingston.ac.uk
www.nationalityforall.org

Why do People Migrate?

- Why do people migrate?
- Migration is a complex process
- Decisions based on partial information
- Decisions based on projected outcomes
- How we evaluate risks depends on resources, perceptions of the threat and options.
- Triggers!
Disconnected Scholars

- Competing groups and separate fora
- Climate change not mainstreamed in migration discourse
- Building bridges by invoking statelessness
- Controversial themes
  - Meaning of de facto statelessness
  - Resettlement post 9/11

De Facto Statelessness

- [D]e facto stateless persons are persons outside the country of their nationality who are unable or, for valid reasons, are unwilling to avail themselves of the protection of that country. Protection in this sense refers to the right to diplomatic protection exercised by a State of nationality in order to remedy an internationally wrongful act against one of its nationals, as well as diplomatic and consular protection and assistance generally, including in relation to return to the State of nationality.
- UNHCR (2010) Expert Meeting The Concept of Stateless Persons under International Law
- Summary Conclusions. Available at: [http://www.unhcr.org/4cb2fe326.pdf](http://www.unhcr.org/4cb2fe326.pdf)
Research Context

- Disagreement over causes of displacement
- Contested basis for invoking protection
- Legal bases for protection
  - Refugee Convention
  - Extended definition by USG and others
  - Application of human rights conventions

Resettlement and Integration

- Resettlement involves the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them – as refugees - with permanent residence status. The status provided should ensure protection against *refoulement* and provide a resettled refugee and his/her family or dependants with access to civil, political, economic, social and cultural rights similar to those enjoyed by nationals. It should also carry with it the opportunity to eventually become a naturalized citizen of the resettlement country.

Other Approaches

- USA domestic approach – wider definition
- Other bodies of international law
- Applying the Statelessness Conventions
- Role of UNHCR
- Back door through UN Committees
- Communal sources of protection
- Land banking and preventative actions

Carteret Islands

- Nature of threat posed
- Internal migration and resettlement
- Council of Elders and Tulele Peisa
- Voluntary relocation
- Integration and socialisation program
- Heritage and conservation
- Obstacles
Tuvalu and Kiribati

- Existential threat
- Migrant flows to New Zealand
- Territorial acquisition
- Skilled migrant schemes as basis for negotiation
- Contrast between labour migration schemes and human protection

Maldives

- Nature of threat
- Activism and presidential leadership
- National Adaptation Programme of Action (NAPA).
- Safer Island Strategy
- Tourism and development
Ways Forward

- Self-reliance and mobilisation of national, local and communal resources
- Montserrat, Tibet and other examples
- Clarify international law – creative solutions for protection.
- Advocacy, UNHCR and donor support

Concluding Thoughts

- Mobilising concept of ‘statelessness’
- Challenge of disaggregating state and rights-based foundations for the protection of both individual and group rights.
- Need to explore communitarian models
- Information, advocacy, and resettlement