

# Outcome Document

## Civil Society Retreat on Resolving Statelessness in Asia and the Pacific

Co-hosted in Bangkok on 15-16 June 2015 by UNHCR, the Asia Pacific Refugee Rights Network (APRRN) and the Institute of Human Rights and Peace Studies of Mahidol University



### A. Key conclusions

It was recognized by all participants that the prevention and eradication of statelessness and advocating for the rights of stateless people in Asia and the Pacific are vital issues. In order to do this effectively, it was agreed that:

1. There needs to be a new regional civil society network (or other type of body) dedicated to statelessness, nationality and inclusion in Asia and the Pacific, which would be distinct from – but would complement and work closely with – pre-existing regional civil society networks.
2. The new network should primarily promote and pursue advocacy at national and regional levels, facilitate capacity strengthening of civil society in the region, be a resource and knowledge hub, and function as a platform for civil society and other stakeholders to access and share information, tools and good practice.
3. In order to advance and sustain the growth of national and regional cooperation, mobilization and coordination among civil society in the region, the new network needs to have dedicated secretariat support, which would also have technical expertise on statelessness, nationality and inclusion.

### B. Roadmap for follow up to the Retreat

The following was agreed as a way forward for the establishment of an independent and sustainable regional civil society network dedicated to statelessness:

4. Participants at the retreat committed to continuing to raise awareness of statelessness in their own country or countries, to generate interest among other national stakeholders to improve regional civil society cooperation on statelessness and to support efforts to establish the new network.
  5. A ‘core group’ was formed during the Retreat to drive further consultations and planning for establishing the new network, while continuing to work closely with other participants and relevant stakeholders. The following people volunteered to be part of the core group, which may evolve as others subsequently volunteer or offer to provide assistance, or if existing members are unable to continue:
    - Davina Wadley (Initial co-coordinator)
    - Sanoj Rajan (Initial co-coordinator)
    - Amy Smith
    - Sangita Jaghai
    - Imran Khan Laghari
    - Wawine Yamashita
    - Chris Lewa (Advisor)
    - Amihan Abueva (Advisor)
- A representative of APRRN was also invited to become a member of the core group.

6. The core group should reach out to additional key stakeholders and invite them to join the core group, especially to ensure balanced representation of sub-regions and types of civil society actors working to address the different challenges that statelessness in the region presents.
7. Based on further discussions within APRRN, APRRN's Statelessness Working Group will, as soon as possible, revert to the core group on what role it can play in the establishment of the new network.
8. By the end of July, the core group should have developed its own terms of reference, in close consultation with participants at the retreat and other relevant stakeholders, including APRRN and UNHCR.
9. The core group should also develop its work programme, and should aim to meet in-person, preferably, by the end of 2015.
10. The core group should consider undertaking the following activities by the end of 2015:
  - (a) Continue and broaden consultations with relevant stakeholders (especially with civil society actors that were not at the Retreat) on the feasibility of the new network in order to understand in greater depth how and in what way a regional civil society network could support and add value to the work of civil society actors.
  - (b) Work closely with APRRN and other relevant networks or bodies to leverage their strengths, identify complementarities, prevent duplication, and develop approaches on how the new network can work constructively with existing networks towards the common goal of addressing statelessness in Asia and the Pacific.
  - (c) Identify a key issue or set of key issues that would galvanize regional civil society cooperation on statelessness, and accelerate the establishment of a network by acting as a unifying force for potential members.

Participants at the retreat reached consensus that two of these issues could be: (i) ending childhood statelessness in the region; and (ii) raising the profile of statelessness in the region on the agenda of Governments, non-government and civil society organizations, academia, and the media.

Durable solutions for the Rohingya (both inside and outside of Myanmar), and birth registration and identity documentation were two other examples of issues that could be prioritized.

- (d) Expand and build on the existing mapping of civil society actors working on statelessness in the region that has already been conducted by UNHCR and APRRN.
- (e) Identify the resources required for establishing the new network, and develop an initial plan for obtaining those resources, including identifying possible funders and developing proposals.
- (f) Consider the following issues, *inter alia*, as part of short, medium and long-term planning to establish the new network: (i) objectives; (ii) name, identity, branding and online presence; (iii) legal status and operations; (iv) membership criteria; (v) governance; (vi) long-term funding and sustainability; (vii) the relationship with APRRN and other relevant networks; (viii) the structure of the network (such as sub-regional or thematic groupings); and (ix) identifying focal points for each country.

### **C. Common themes of the Retreat's discussions**

11. There was widespread appreciation of the fact that statelessness has emerged as an important human rights and development issue in its own right (i.e. independent of the refugee rights agenda) at national, regional and global levels.
12. For the purpose of the Retreat, the term 'civil society' referred to a broad range of non-governmental actors working to address statelessness in the region, including local and international non-governmental organizations, civil society organizations, academic and research institutions, and

individuals. There was consensus at the Retreat that this broad range of actors was an appropriate constituency for the early stages of the new network, but there should be scope for other regional bodies to focus on specific types of work, such as an academic network that would promote research, to emerge as part of the growth of cooperation to address statelessness in Asia and the Pacific.

13. There was consensus that civil society, with its independent voice, can and must play an important role in addressing statelessness and promoting the rights of stateless people. This can often include working in partnership with Government authorities and in cooperation with UNHCR. In this context, it was acknowledged that civil society, UNHCR and regional civil society networks (such as APRRN and the new network on statelessness) should work together strategically and should benefit from each other's comparative advantages to achieve the common goal of accelerating the end of statelessness in Asia and the Pacific.
14. Participants expressed a desire for more opportunities (such as the Retreat) to share and hear experiences and up-to-date information on statelessness in the region, which would help to strengthen their capacity by deepening their knowledge and providing examples of good practice.

The majority of participants acknowledged that closely associating statelessness in the region with refugee rights and forced migration issues was more of a challenge than an opportunity for addressing the situation of stateless persons living in their own country (often called *in situ* populations), who make up the overwhelming majority of the stateless persons in the region. . In particular, concern was expressed that associating these populations with recent migrants could be detrimental to their claims to nationality of the State in which they are living. However, this does not reduce the importance of concerted action to provide protection and address situations of statelessness in refugee, asylum seeker and other populations of forced migrants in the region.

This was highlighted as one of the key reasons why a new, independent and inclusive network dedicated to statelessness should be established to drive regional civil society cooperation on statelessness in Asia and the Pacific.

15. The need to strengthen capacity, particularly greater understanding of the causes of and how to address statelessness, was highlighted as the most significant challenge for civil society working to address statelessness in Asia and the Pacific.

Other challenges that were frequently cited include: (i) achieving changes to existing national legislation and policies; (ii) weak or inconsistent implementation of laws and regulations on nationality, civil registration and identity documentation by national or local authorities; (iii) discrimination as a cause of statelessness that is deeply embedded in social and political structures of countries in the region, which requires a broader approach than purely addressing issues around nationality; and (iv) the misrepresentation of *in situ* stateless populations in the region as 'refugees'.

16. The main challenges for strengthening regional civil society cooperation on statelessness in Asia and the Pacific include: (i) a tendency for civil society actors in the region to lack experience on working outside their own national context(s) and thus a limited appreciation for how regional cooperation might benefit their work; (ii) the need to find resources to provide the future secretariat support needed for sustaining regional cooperation; and (iii) identifying issues around statelessness that warrant a regional approach as opposed to issues where a regional approach or regional exposure could be counter-productive for a variety of reasons, such as because it may not focus on the State that is responsible for addressing the statelessness of a particular group.
17. It was acknowledged that addressing statelessness is currently not a part of the core work of many civil society actors in the region, and that those who are focused on this issue tended to work at a local or national-level. Other civil society actors, particularly those working on children's rights and issues around rule of law, are beginning to put a greater emphasis on addressing statelessness as the lack of a nationality arises as a key challenges faced by marginalized and minority populations in the region. Participants warmly welcomed the broader interest in addressing statelessness being displayed by civil society from a variety of fields.
18. It was emphasized through the discussions that special efforts should be made to ensure that stateless or formerly stateless people should be included in decision-making processes of civil

society actors working on statelessness in the region, including in the planning for the new regional network dedicated to addressing statelessness.

19. It was widely recognized that the political, historical and socio-cultural characteristics of Asia and the Pacific are unique and that comparisons to statelessness in Europe and the Americas were not always helpful, especially when taking into account the heterogeneity of stateless populations and root causes of statelessness in the region. In Asia and the Pacific, some of the conditions that could facilitate regional cooperation among civil society are lacking, such as strong and established regional intergovernmental institutions that work on human rights.

However, participants expressed a desire to learn further from the experiences of the European Network on Statelessness and the Americas Network on Nationality and Statelessness, and cited the opportunity for the new network on statelessness in Asia and the Pacific to work with these other regional networks to raise awareness of the issue world-wide, and to advance statelessness on global political, human rights and development agendas.

20. During the Retreat, it became apparent that there could be different interpretations of what 'advocacy' means when describing the work of civil society on statelessness. As part of the consultations towards planning for the new network, the core group could further explore this, particularly if promoting and pursuing national and regional advocacy is to be a priority for the new network.
21. Questions were raised about whether the new network dedicated to statelessness should cover the entire Asia Pacific region, or whether it made more sense – for practical and substantive reasons – for the new network to be a collective of sub-regional networks (for example, South Asia, Southeast Asia, Northeast Asia, Central Asia, and the Pacific).
22. On the issue of how UNHCR and civil society can work together effectively to address statelessness at national and regional level, participants recognized the importance of working in partnership with UNHCR, and how UNHCR can provide technical and other support to both civil society and Government. Participants noted effective partnerships that had developed in implementing projects focused on addressing statelessness amongst existing populations in the region.
23. Participants welcomed the launch of the #IBelong Campaign and UNHCR's Global Action Plan in November 2014, especially the ambitious goal of ending stateless within a decade. There was also acknowledgement that civil society should support Governments to implement the actions that would be necessary to end statelessness in countries and, where appropriate, the development and adoption by Governments of national action plans to end statelessness.

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