

UK Must Not Undermine Global Battle against Statelessness

MARCH 2014

The UK's House of Lords is considering an amendment to the laws governing British nationality that would remove safeguards against the creation of statelessness. Clause 60 of the Immigration Bill was drafted as a response to last year's *Al-Jedda* ruling by the UK Supreme Court, which prevented the government from stripping UK nationality from a naturalized citizen on national security grounds, because he did not have another nationality. Clause 60 would breach the spirit of the UK's international obligations to eradicate statelessness. Its passing would set a dangerous international precedent.

Statelessness is a condition of insecurity and indignity affecting at least 15 million people. In the *Al-Jedda* judgment (9 October 2013), the UK Supreme Court spoke of "the evil of statelessness." The international community has made important progress in addressing statelessness, including the UK-led creation of the 1961 Convention on the Reduction of Statelessness. In 2002, the UK Parliament amended the British Nationality Act to remove the possibility of creating statelessness. This was an important step. Continued leadership from the UK is sorely needed

If Clause 60 is passed into law, the UK would violate the principle that no state should create statelessness under any circumstances. It would join a number of other states that have used supposedly "technical" legal amendments to strip nationality from both individuals and ethnic minorities.

Dominican Republic. In September 2013, the nation's highest court issued a ruling denationalizing many thousands of Dominicans, leaving them stateless. Those affected were born in the Dominican Republic, of Haitian descent. The decision was justified as a reinterpretation of laws dating back to 1929 and with the false assumption that affected individuals had a claim to Haitian nationality.

Zimbabwe. A 2001 amendment to the nationality law made thousands of Zimbabwean citizens by birth with foreign parents stateless. Zimbabwe did not

allow dual nationality at that time, and the new provision required any citizen with a claim to another nationality to renounce it – even if they never had it. Absent proof of renunciation, they lost their Zimbabwean citizenship.

Other states, including *Peru, Zambia, Cote d'Ivoire, Tanzania, Botswana, and Swaziland*, have used charges of fraud, state security or poor moral character to strip citizenship from political opponents or other critical voices in society. These maneuvers often leave the persons affected stateless.

The laws adopted when new states have been created – in the *former Yugoslavia, former Soviet Union*, the secession of *Eritrea* from *Ethiopia*, or *South Sudan* from *Sudan* – have failed to protect against statelessness, in many cases as a deliberate means of consolidating political power along ethnic lines.

The UK Parliament's approval of Clause 60 would send a message to the world that the UK condones the creation of statelessness. The UK government has claimed that Clause 60 affects only a small number of "exceptional cases". Such niceties will be ignored by states that use statelessness as a political weapon, and they are likely to use the UK's change of position to justify existing policies. The UK has in the past been a leader in the struggle to eliminate statelessness, as it once led the global fight against slavery. It should not abandon this historic role.