

AUTUMN SEMESTER 2023
ROSKILDE UNIVERSITY
SUBJECT MODULE PROJECT 1 IN INTERNATIONAL STUDIES

Statelessness & Human Rights:
A Study of Kosovo, Western Sahara,
and Roma People

By:
Christine Marie Boysen 73524
Julia Oborska 73678
Tin Carević 73676

Supervisor:
Ole Bruun

Character count: 79587

Abstract

This project aims to investigate the issue of statelessness in different circumstances and how UN Conventions apply. It is done by examining academic articles, UNHCR reports, and different legislations. The analysis has been conducted with the use of international law and the liberal theory of citizenship to discover the significance of citizenship in relation to human rights. The discussion is built around the complexity of the issue and the notions of statelessness and human rights.

This study argues that there are parts of the world where improving the situation of statelessness is difficult to achieve due to local realities, yet international organisations can still provide some assistance to stateless people and serve as an intermediary. We conclude that when aiming to resolve an issue as complex as statelessness, it is crucial to be aware of its multidimensionality and the challenges of applying international conventions in the local context.

Table of contents

Problem area	3
Research question	4
Background information.....	5
The United Nations and The Declaration of Human Rights	5
Roma people	5
Western Sahara	7
Kosovo.....	8
Methods	9
Document analysis.....	9
Comparative methods.....	9
Gathering our data	9
Theoretical framework	10
Theory of Citizenship	10
Liberal Theories of Citizenship and Basic Rights.....	10
“The right to have rights”	11
International law	12
Analysis.....	13
Stage I: Roma People.....	13
Stage II: Western Sahara.....	16
Stage III: Kosovo.....	19
Comparative analysis.....	22
Discussion.....	23
The concept of statelessness.....	23
Citizenship and human rights.....	24
Liberal theory of citizenship and international law	25
The UN approach to statelessness	26
Conclusion	28
Bibliography	30

Problem area

The United Nations (UN) has identified statelessness as a serious socio-political problem with severe consequences tied to one's well-being, dignity, and human rights (UNHCR, 2014: 7). For this reason, the United Nations High Commissioner for Refugees (UNHCR) declared a list of goals to end statelessness by the end of 2024 (UNHCR, 2014: 4-5) but it is evident that it was too optimistic. It has just celebrated its ninth anniversary this November, where great progress has been reported and the number of known stateless people has been halved (UNHCR, 2023). What are the circumstances for a partial achievement? The last update from 2021 shows how NGOs have played a key role and how the UNHCR has aimed to mobilise governments in solving this issue (Ibelong, 2021). It is important to remember that not even half of the UN countries were party to the conventions in 2014 (UN Conventions on Statelessness, n.d.), which is a hindrance to achieving the goal of ending statelessness.

This project looks into three different circumstances where statelessness exists to gain insight into the endeavours of reducing statelessness and securing universal human rights. Specifically, we look at two states, Western Sahara and Kosovo, in different stages of recognition, and the Roma people, who have historically experienced systematic exclusion (Law & Kovats, 2018: 99). Our focus is on statelessness, human rights, citizenship, and institutional protection. It is a complex topic with much research already, though it is still relevant to continue work in this field, as statelessness continuously affects great numbers of people. There are many ethnic groups around the world facing the struggles of state or interstate discrimination, some of which include Kurds in Turkey and Syria, Rohingya people in Myanmar, or Palestinians (Roos, 2019).

Why does this matter? What is the importance of human beings 'belonging' to a certain state? Firstly, according to Article 15 of the Universal Declaration of Human Rights (UDHR), "Everyone has the right to nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality" (UDHR, 1948). Secondly, by having a certain country's citizenship, one is entitled to different aspects of state protection. Without access to basic social security, people are at risk of being deprived of their rights, liberties, and resources which makes statelessness a "harmful condition" (Owen, 2018: 301), and should be minimised as much as possible.

The purpose of this project is to gain insight into the current situation of statelessness and the complexities of applying international law in our chosen cases. The human rights of stateless

people can be impacted in many ways. Herein lies the question of how human rights are meant to be enforced and by whom. Therefore, this project looks both at an international and national level.

There are many people affected by statelessness in different capacities. There are no exact numbers on how many people are stateless since many remain outside the system (UNHCR, 2023), therefore we can then only truly address people who are recognised as stateless. This project will look at three different stages of statehood or lack thereof, wherein statelessness exists. There is a greater variety, but for the sake of argument and the capacity of the project, our focus will be on only three stages utilising examples from Kosovo, the Sahrawi, and the Roma people. Kosovo is widely recognised, currently by around 100 of the UN member states (Buchholz, 2023), Western Sahara is recognised as a non-self-governing territory with few countries supporting Moroccan right to rule (Naili, 2023), while the Roma people are an ethnic group without their own state, though many have citizenship of the countries they reside in (Law & Kovats, 2018: 36).

Research question

How do international and national legal frameworks address the issue of statelessness and how effective are they in the protection of human rights in the cases of Kosovo, Western Sahara and Roma people?

Clarification of terms

Stateless:

A stateless person is someone “who is not considered as a national by any state under the operation of its law” (1954 Convention, Article 1). There are two types of statelessness, *de jure* and *de facto*; “A person is *de jure* stateless when they meet the international legal definition of statelessness: they do not have a nationality under the laws of any country” (Peter McMullin Centre on Statelessness, 2022: 3), while *de facto* stateless are those who hold citizenship, but due to their circumstances, it is “functionally ineffective” (Ibid.).

Citizenship:

We understand there are various understandings of citizenship, but for the sake of our research we chose to define it “as ‘the state of being vested with the rights, privileges, and duties of a

citizen’, and ‘the character of an individual viewed as a member of society; behavior in terms of the duties, obligations, and functions of a citizen’” (Mathiason, n.d.: 2).

Background information

As background for this project, we introduce the United Nations Declaration of Human Rights and provide the necessary information to gain insight into the history of Roma people, Western Sahara and Kosovo. It should clarify why we believe these cases can give a broad overview of how statelessness impacts different communities and what the complexities hereof are.

The United Nations and The Declaration of Human Rights

The United Nations (UN) was founded in 1945 after the end of World War II, and it means to regulate international relations and keep peace among nations (UDHR, 1948). All member states must abide by UN law (United Nations Charter, n.d.). In 1948 the UN proclaimed a “Universal Declaration of Human Rights” (UDHR, 1948), which in essence is a list of fundamental rights that all people in the world should be entitled to. In their introduction, they declare that everyone should strive to achieve this, “both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction” (Ibid.).

Kosovo is not a fully recognised country, but the UN declared in 2010 that they were entitled to claim their independence in keeping with international law (BBC, 2010). The same goes for Western Sahara, whose right to independence has also been recognised by the UN (MINURSO, n.d.). The UN also advocates for an end to discrimination against the Roma people (OHCHR, n.d.).

This project will not address the entirety of the Declaration, but certain articles of it carry through in the entire project, for example, Article 2, which states that everyone regardless of their country’s status, is “entitled to all the rights and freedoms set forth in this Declaration” (UDHR, 1948) and Article 15 which mentions the “right to a nationality” (Ibid.).

Roma people

One of the biggest communities suffering from statelessness are Roma people, most widely known under the controversial term *Gypsies*. For this paper, we are going to focus only on the

Roma living in Europe, as it is a central place with a long history of social and institutional discrimination against them. As for the terminology used in the project, we will proceed with the utilisation of *Roma*, taking into account the norms established by the First World Romani Congress in 1971 (Law & Kovats, 2018: IX) and increasingly positive sentiments toward it (Ibid.:3), consequently using it as an umbrella term for the wider Roma community.

It is estimated that there are approximately 10 to 12 million Roma living in Europe, 6 million of which are within the EU (Lecerf, 2023). There is little definitive information available on Roma since the knowledge has been mostly transmitted orally and there are few written pieces describing Romani norms firsthand (Law & Kovats, 2018: 67); therefore, even as a part of this project, it has been challenging to find reliable sources.

Aidan McGarry, a British scholar specialising in Roma, highlights that due to the great diversity among the group, it is extremely difficult to speak about them in homogeneous terms - whether it is language, traditions, or their sense of identity (2014: 2). The worldwide presence of Roma contributes to high levels of misunderstanding against them, as they do not fit into just one characterisation of a nation (Law & Kovats, 2018: XIII). The widespread migration is known to be one of the predominant cultural aspects of the community, as seen by non-Roma people, therefore it is a common misconception that nomadism is a present aspect of their lifestyle, while in reality, it is mostly a thing of the past (Ibid.: 32).

Today, Roma are the biggest ethnic minority in Europe (European Commission, 2020). A long history of exclusion has not made it easy for them to integrate; get employment, legally own property, or gain an education (Law & Kovats, 2018: X). It has resulted in a relationship between societies and Roma where, due to the lack of opportunities, they are isolated from the wider society and forced to build community camps (Ibid.: 33). That reinforces a certain stereotypical image people have of this ethnic group and the relationship between external exclusion and Roma social avoidance. As a consequence, Roma people lack adequate representation in politics, media, etc., which makes it easy to manipulate the public discourse about them (McGarry, 2014: 5). This takes away the agency the community should have over the narrative they wish to set forth and leaves room for conjectures, which constitutes the wider problem of misunderstandings around Roma.

Western Sahara

The Moroccan occupation of Western Sahara remains a highly under-managed topic in the media coverage. It is the last standing colony in the 21st century, which used to be under Spanish rule for almost 100 years until 1975 when Morocco took over the land (Smith, 2021).

Although Western Sahara has never existed as an independent state, there is a strong and distinct sense of identity among the Sahrawi people (Zunes, 2022: 91-95). They continuously face an unjust and discriminatory system and keep fighting for their basic rights (Smith, 2021). Having to bear repressions and often torture from the Moroccan authorities (Zunes, 2022: 263), nearly half the population was forced to flee and seek protection in refugee camps in Algeria. This includes the Sahrawi Arab Democratic Republic (SADR) government-in-exile, which claims the rule over the Western Saharan territories, though it is only currently in control of around 20% (Manby, 2020: 11; 13). It was created by the Polisario Front, a movement against Moroccan occupation, in 1976 (Britannica, 2023). They have worked in agreement with the UN - which acknowledges the Front as representative of the Sahrawi people (Sahrawi response, n.d.) - and agreed to a ceasefire in 1991 as proposed by the UN. In 2020, the nearly 30-year peace came to an end (Smith, 2021). The conflict can be highlighted by the fact that a Moroccan-built wall separates Western Sahara in two and both sides of the wall are covered in land mines (Freedom House C, 2023).

Currently, 47 states recognize SADR as a legitimate nation, while 30 states have withdrawn recognition in violation of international agreements (USC, n.d.). However, the Moroccan occupation is also not recognized as lawful, except by the United States and Israel, while the UN sees Western Sahara as a non-self-governing territory (Ghaedi, 2023). The population is roughly 600 thousand (World Population Review, 2023), and the UNHCR believes the Sahrawi refugees in Algeria to be around 100.000 (Manby, 2020: 11). Most nations have not gone further in their assessment of the SADR than their involvement in the UN. It suggests that the development and desire for Western Sahara to be an autonomous state is at a stalemate, neither moving towards achieving this nor moving towards making the territory an official part of Morocco.

Kosovo

The Republic of Kosovo is a parliamentary republic, and its population of roughly 2 million is primarily Albanian (92.9%) with Bosniaks (1.6%) and Serbs (1.5%) being the largest minorities (CIA, n.d; Freedom House A, 2023).

During the Ottoman occupation, Kosovo was settled by Albanians, who by the end of the 19th century became the dominant ethnic group. After Serbia regained independence, it took control of Kosovo in 1912. During the period of the Socialist Federal Republic of Yugoslavia, Kosovo gained its current borders when it became an autonomous region of the Federal Republic of Serbia (CIA, n.d.; Hrvatska enciklopedija, 2021).

The period before the Kosovo War was full of ethnic tensions between Albanians, who fought for more independence and formed radical groups wishing to separate from Yugoslavia, and Serbs, who actively discriminated against the Albanians. In 1989, Serbia revoked Kosovo's autonomous status, which led Kosovo political leaders to organise a referendum in 1991 that resulted in a declaration of Kosovo's independence. After this, Serbia started oppressing the local population and an armed conflict escalated in 1998 (CIA, n.d). A year later NATO decided to intervene, arguing "that a humanitarian emergency allowed it" (Rogel, 2003: 176). On 24th March 1999, NATO's War in Kosovo officially started with bombings of Serbian strategic and military targets. This action was not supported by the UN Security Council. The war ended on 10th June 1999 with the signing of a Military-Technical Agreement (Rogel, 2003: 178-180). After this, Kosovo was not officially independent but it was decided by the UN Security Council Resolution 1244 (1999) that Kosovo would be headed by the United Nations Interim Administration Mission in Kosovo (UNMIK), which was a provisional government tasked with stabilising the region until a decision about its future status could be made (S/RES/1244, 1999). Kosovo officially declared independence on 17th February 2008 (CIA, n.d). Due to conflicting evidence, at the time of writing the number of states that recognise Kosovo is between 90 and 115 (Buchholz, 2023).

Methods

In this section, we will introduce the methods chosen to evaluate our problem. As we will be looking into UN conventions, goals, and the current situation of statelessness through UN reports and academic articles, we believe these are the most useful and relevant methods for our analysis and addressing the problem.

Document analysis

To analyse the various documents in question, we employ document analysis. This method is used for selecting relevant information from our empirical material and interpreting it through our theoretical lens (Indeed, 2023). As we are working with various international laws, conventions, and documents, this method is an insightful tool to further conduct our comparative analysis and discussion.

Comparative methods

We will also be making use of comparative methods to figure out the similarities and differences that exist in our chosen cases of Kosovo, Western Sahara, and Roma people. The status of these differs even though they are all to some degree unrecognised and thus with a basis in our document analysis, we will be comparing them to understand the implications of statelessness in each part (Comparative method, n.d.)

Gathering our data

Throughout our research we familiarised ourselves with an array of sources with information on sovereignty, citizenship, statelessness, and the UN's role in these matters. We make use of academic articles, the 1961 Convention on the Reduction of Statelessness (1961 Convention), and UNHCR reports. The aim is to address the status of the UNHCR goals, but also to get information from sources other than the UN to have a broader perspective when looking at statelessness in different areas. To do this we include various articles and international legislations since it has proved difficult to find data directly from stateless people themselves.

Theoretical framework

This section presents some of the academic context for the theory which is followed by an overview of the theories used in this project. The framework for this project is built around the United Nations Declaration of Human Rights and the notion of equal rights and protection for all, for which it seems citizenship is a prerequisite.

Theory of Citizenship

To understand the significance instability in a country can have on its people, it is necessary to see the relevance of citizenship to a person's rights in the national and international system. There are various theories around citizenship, the three classics being liberal, communitarianism, and republicanism. The sociologist Gerard Delanty identified four crucial aspects of citizenship - "rights, duties, participation and identity" which are prioritised differently by each of the three theories (Lister & Pia, 2008: 8). Liberal theory emphasises rights, while the other two provide counters to this 'rights of the individual' focus. Dr. Michael Lister and Dr. Emily Pia's work "Citizenship in Contemporary Europe", contains a variety of different theories of citizenship, from the classical to the critical and postnational. With the outlined themes from the theories, they focus on the challenges of citizenship in Europe which are created through political, social, and economic developments. They make clear that these theories overlap and there is no dominant view (Ibid.: 196). We build the framework to work within liberal theories since this project has an emphasis on rights. However, most scholars working with citizenship, combine elements from the different theories as no theory is sufficient on its own (Somers, 2008: 27-28).

Liberal Theories of Citizenship and Basic Rights

Sociologist Thomas Marshall, who worked within the social liberal theory, talked about "three categories" of these rights – "civil, political and social" (Lister & Pia, 2008: 12), which are owed to all those who are part of a certain community (Ibid.). Political rights include equality for all in the political area (Ibid.: 13) but besides this, the essence of Marshall's view is that each person has the individual right to pursue whatever they wish, which is "permitting, encouraging, even, a private (market) inequality" (Ibid.: 14). What a person has is what their abilities can bring them, but technically all are born equal. It hinges on a certain level of welfare to be able to invoke civil and political rights, since otherwise attention goes to ensuring the

social rights and basic human needs (Ibid.: 13-14). Civil, political, and social rights are all included in the Human Rights Declaration and thus bear relevance for the project. It is harder to use civil and political rights when the basic needs are not being met (Ibid.: 13). These categories of rights are key to our analysis.

Liberal citizenship theories are egalitarian at their core and thus believe that all people, on the grounds of existing, deserve “equal treatment” (Ibid.: 9), that citizenship will arise through this (Ibid.), and that it is universal (Ibid.: 11). A prerequisite for this is “political equality” whereby the potential “concentration of power (...) might be prevented” (Ibid.). The focus is freedom and liberty, which is the duty of the government to ensure and protect (Ibid.: 10-11). One of the early liberal thinkers, John Locke, believed that the only thing required of a person to enjoy this was “to respect in others the rights he or she enjoys” (Ibid.: 10). It means that a person’s freedom and individuality may not infringe upon another person’s rights to those same things. In this view, the state or the government serves primarily to ensure the rights of the individual (Ibid.). The individual must have freedom from the power of the state (Ibid.: 11). It is a delicate balance the state is intended to navigate. Liberty can be viewed both positively and negatively - the positive “where freedom is the ability to pursue one's chosen ends” and the negative where “freedom consists of the absence of barriers” (Ibid.: 12).

“The right to have rights”

Hannah Arendt is famous for the notion of “the right to have rights” (Somers, 2008: 123). This is the idea of citizenship being a prerequisite for other rights. It is inherently linked to the liberal view that everyone has an entitlement to basic rights and the role of the state in ensuring these. According to Margaret S. Somers, “it entails both de jure and de facto rights to membership in a political community” (Ibid.: 6). She draws on T. Marshall and K. Polanyi that citizenship must be included as a necessity, essentially equal treatment on par with the other members of the community (Ibid.). Furthermore, her citizenship theory views human rights, not as a natural and a given, but as something that needs “embeddedness, political membership, and social inclusion (...)” (Ibid.: 7). In this way, Somers ties together the right to citizenship and human rights as something that hinges on recognition (Ibid.).

Somers sees the idea of the right to have rights as containing a critique of the liberal view of rights being something people simply possess, the idea that rights are neutral (Ibid.: 25). With the example of how German Jews were rendered stateless by the Third Reich, Somers

illustrates how viewing rights as natural ignores the importance of recognition – the validity of being a recognized member of a political community (Ibid.: 26). The importance of this is key to researching our problem.

International law

Professor Jan Klabbers from the University of Helsinki elaborated in his book, “International Law” (2021), on the importance of international organisations today and explains that the authority an organisation has derives directly from the collective member states which have the right to “clearly specify in the treaty setting up the organization what the power of the organization and its organs are” (Klabbers, 2021: 110). This power dynamic should be simple enough to follow “(...) by checking its constituting treaty” (Ibid.), but in reality, the problems an organisation might be faced with, can sometimes be too complicated to be resolved. Rather, in these cases, the organisation follows the “‘implied powers’ doctrine” (Ibid.) under which “the organization will have any powers that may be necessary for it to achieve its goals” (Ibid.). An example of this is an International Court of Justice ruling that “(...) the UN had a right to bring claims against a non-member state because this would enable it to carry out its functions” (Ibid.).

The 1954 Convention relating to the Status of Stateless Persons (1954 Convention) defined what it means to be stateless, so there was common ground internationally. In this project, however, there is an emphasis on the 1961 Convention, which furthered the work of the 1954 Convention by addressing how to reduce occurrences of statelessness. Only 79 countries are currently party to this convention (UNTC, n.d.). The 1961 Convention has primary relevance for this project as it outlines rules surrounding the granting of nationality and ensuring no one is born stateless, whereas the 1954 Convention highlights the legal status of stateless people and when it may be accepted that someone is rendered stateless. International law is often viewed as something inherently good (Crawford & Koskeniemi, 2012: 14) and one of the things it has achieved is including Human Rights as a natural part of the political conversation (Ibid.: 16-17). It is important for this project as the 1961 Convention cites Article 15 which, as mentioned, declares that “everyone has the right to a nationality” (1961 Convention: 3).

International law is both “(...) inter-state (...) and profoundly influenced (...) by the domestic law models” (Crawford & Koskenniemi, 2012: 65). The aim of using international law is to understand how states apply different legal frameworks, how they interact with each other, and how the effectiveness of international cooperation relies heavily on the agreement of states. Since half the member states of the UN have signed on to the 1954 Convention and more continue to do so, it seems to have become widely accepted that statelessness is something to avoid. According to Crawford & Koskenniemi, there is certainly “(...) a strong international public policy against statelessness (...)” (et. al, 2012: 10).

We engage international law intending to examine the implications international treaties have in real life. Furthermore, it highlights the importance of discussing statelessness and how the 2024 goal to end statelessness was unrealistic considering how many states are not part of the 1961 Convention. On top of this, some states have been allowed to include caveats before signing on to the convention (UNTC, n.d.).

Analysis

The analysis is founded on the liberal theory of citizenship and international law, and is divided into three stages of statehood, each of which can provide different insights into statelessness and the significance of human rights. At the end, they will be combined in a comparative analysis.

Stage I: Roma People

Roma are the biggest ethnic minority in Europe and a community without a state of their own. It is a complex matter to tackle as this group is extremely diverse. There is indisputably a distinct sense of cultural identity that embraces shared language, traditions, and folklore (Ahmed, 2017: 143). On the other hand, as McGarry argues, there are no “objective criteria to determine who is Roma” since they are dispersed throughout different geographical locations and their experiences vary according to their socio-economic status (2014: 2). The only way they can be recognised is if the people in the community identify themselves as such (Ahmed, 2017: 143), however, due to widespread discrimination, they often fear being identified with their ethnicity (Law & Kovats, 2018: 53). Today, to address the hardships of Roma reality, there are many top-down EU initiatives intending to work on Roma integration in Europe that

are meant to ensure greater equality. This section aims to analyse, through the lens of international law and liberal citizenship theory, how relevant these programmes are.

Historically, with no land, no representation, and no institutions, Roma have systematically ended up in an unprivileged position within societies, stuck among their own community, with a minimum opportunity to integrate, thrive, or advocate for their rights. The issue of Roma representation is a phenomenon wherein the definition of their identity is constructed through an external political perception of the group (Law & Kovats, 2018: 22; McGarry, 2014: 3). As Law & Kovats point out, the indeterminate mobilisation among the group calls for an actor which would frame them as a political entity (2018: 22). Therefore, big political organisations, such as the European institutions, constitute shaping the data and knowledge on Roma, which is consequently a foundation for the political initiatives in their regard (Ibid.). This lack of agency among the community is a significant and prevailing issue that results not only in the absence of political action in their name that would work on the improvement of their life conditions but also maintains the status quo in society, where Roma remain to be a highly misunderstood social group (Ibid.). This means that their political rights, as per liberal citizenship theory, are affected by the categories others put them in. On top of that, the lack of institutional integration amounts to the incredibility of statistical data available on Roma, given that so much of their population is unregistered. By acknowledging the extent of discrimination around the community, it also becomes clear that oftentimes its members do not want to disclose their identity in fear of data misuse and lack of trust towards institutions (Balestra & Fleischer, 2018: 21; 23-24). This further complicates insight into their circumstances and makes it more difficult for international laws to be implemented to protect them and the rights they should be entitled to. However, there is an argument to be made that they do not live up to the duties of a citizen if they are unwilling to engage with the state they live in.

This centuries-long bureaucratic exclusion by the states often results in a lack of education, access to healthcare, and economic stability (McGarry, 2014: 8) which is a direct violation of human rights (UDHR, 1948: Article 25 and 26). A condition for enjoying the privileges mentioned above is to be a citizen of a certain state. From the liberal point of view, holding citizenship should provide equal civil, political, and social rights to everyone (Lister & Pia, 2008: 12) but in reality, all of these are frequently violated for Roma (Ahmed, 2017: 145). The main areas of their systematic vulnerabilities are economic disadvantages, lack of access to housing, healthcare, education, and political empowerment (Ibid.). Dr. Tawhida Ahmed, a Reader in Law at the University of London, argues that Roma struggle with entering

mainstream employment since the “state policies (...) are poorly designed” and they do not incorporate them into the system, which creates a mutual relationship of antipathy between the community and workplaces (2017: 145). Although different integration programmes, such as the Strategic Action Plan for Roma and Traveller Inclusion by the Council of Europe, aim at reducing the exclusion of Roma (Council of Europe, 2020), on a national level many countries do not apply the encouraged measures (European Union Agency for Fundamental Rights, 2023: 5) which slows down the progress and in certain areas, the situation is deteriorating (Ibid: 57). This might have many possible logistical reasons, such as funding or different priorities in the national politics of the countries. According to Owen, who draws arguments based on African states, “non-compliance with the international norm against de jure statelessness may serve government’s political purposes” (2018: 304-305) and he considers some states to reinforce “a policy of creating difficulties for members of particular ethnic groups to obtain a nationality to which they are entitled” (Ibid.). He suggests that this is the kind of legal obstacles Roma face in Europe (Ibid.). Provided this is accurate, it is in direct violation of Article 15 of UDHR (1948). It is also in opposition to the liberal view on citizenship as a born right but also emphasises the importance of state protection of social, civil, and political rights.

As mentioned before, the UDHR is meant to protect *all* human beings and their dignity, regardless of their background - be it gender, race, religion, or ethnicity (UDHR, 1948: Article 2). Although the political situation of Roma in Europe has been increasingly improving since the 1970s due to growing Roma activism and social awareness (Law & Kovats, 2018: 15), they still, as previously described, face undeniable discrimination in the most important aspects of their social and civil life (Ahmed, 2017: 144). In fact, on the European level, Roma are one of the primary communities that suffer from frequent human rights abuse (European Union Agency for Fundamental Rights, 2023: 5). Most European countries have signed on to the 1961 Convention (UNTC, n.d.) which makes this highly concerning and again points to issues in enforcing international laws. It shows how the Convention addresses de jure, and evidently does not consider de facto statelessness.

The European Convention on Human Rights adopted by the Council of Europe in 1953 does not embrace the protection of minorities but the Framework Convention for the Protection of National Minorities was put into effect to highlight the significance of minority recognition (Ahmed, 2017: 147). The issue of this, however, is that not all countries where Roma are present identify them as an ethnic minority (Lecerf, 2023: 2), which might expose the Convention as ineffective in many cases. The implementation of international initiatives, such

as the Strategic Action Plan for Roma and Traveller Inclusion, is meant to serve as a tool for minimising the discrimination of the minority both on a state and a global level (Council of Europe, 2020). According to the programme, “It provides a framework that is flexible and adaptable to country-specific conditions, serving as a roadmap and practical tool for the design, implementation, and adjustment of programmes and actions” (Ibid.). All these are important improvements on the way to the proper integration of Roma; nonetheless, as Ahmed highlights, for a substantial change to happen, a real effort on the domestic level is needed (Ahmed, 2017: 158). Without this, European endeavours are not enough to ensure the citizenship rights Roma should be entitled to.

Stage II: Western Sahara

As mentioned earlier, Western Sahara has been under Moroccan occupation since 1975. The territory is ruled over by Morocco and the self-proclaimed ‘Sahrawi Arab Democratic Republic’. The people in question are the Sahrawi people, who are recognized as stateless people (Smith, 2021). To analyse the situation in Western Sahara and the circumstances of the Sahrawi people, we engage with an article by a senior policy fellow at the London School of Economics Bronwen Manby (2020), and the latest report from the Secretary-General of the UN (2023).

By the UN charter, the Sahrawi people have the right to self-determination (A/RES/77/133, 2022). In 1991, the UN declared that there should be a referendum to decide the fate of the territory (Manby, 2020: 11). Over 30 years later, this has still not been held, because Morocco and the Sahrawi independence movement, Polisario Front, cannot come to an agreement on who should be allowed to vote (Ibid.). One can argue, in line with the UDHR (1948: Article 21), that all Sahrawi should be allowed to vote, but that favours the Moroccan side since many Sahrawi have become stateless refugees (Manby, 2020: 13). This complicates how to identify and ensure that all Sahrawi people get to use their voice and vote if they so desire, in line with liberal theory’s emphasis on the ability to choose to participate in political life. According to UDHR Article 21, “Everyone has the right to take part in the government of his country (...)” (UDHR, 1948). With the conflicted status of the territory in question, this becomes difficult to assess. How can this human right be applied when looking at a non-self-governing territory? The two terms come across as mutually exclusive.

On a national level, the situation is complicated since Morocco is not a party to the 1961 Convention, while the UN recognizes Western Sahara as a non-self-governing territory. Manby writes that “Sahrawis living in the area under Moroccan occupation are Moroccan nationals according to Moroccan law” (2020: 16), which cannot be given up by the individual (Ibid.: 17). Manby declares that: “(...) other states should not recognise Moroccan or other nationality imposed on Sahrawis without their consent, insofar as these laws are not in compliance with international legal principles as they are currently understood.” (Ibid.: 16). Granting the Sahrawi with Moroccan nationality means that they are not stateless, as per the UN definition. However, not recognising it, as it could be considered in violation of international law, would mean they are stateless because their nationality is not widely acknowledged. There are hindrances to Sahrawi liberty in line with the “negative conception of liberty” (Lister & Pia, 2008: 12).

So, according to this, the basic right of partaking in political life can technically be fulfilled provided Sahrawis acquiesce to foreign rule, which the Moroccan state encourages (Manby, 2020: 17), possibly because they wish for international recognition and if they can demonstrate that the Sahrawi are actively functioning as Moroccan citizens, it could foster international acceptance. However, Morocco also infringes upon another human right – Article 15 which declares that “no one shall be arbitrarily deprived of his nationality (...)” (UDHR, 1948), which the Moroccan state has done to the Sahrawis who have protested the occupation (Manby, 2020: 17). We argue that this is an example of what Lister & Pia write about equal rights being impossible without political equality in a community (2008: 9).

Another issue is the matter of the different statuses among the Sahrawi people. Technically, the Sahrawi living in Western Sahara are entitled to Moroccan nationality and to partake in elections (Manby, 2020: 16-17). This is in line with Article 10 of the 1961 Convention, which states that the transfer of territory must not result in the creation of statelessness. However, according to the MINURSO report, some people wish for the referendum and feel “that the ‘locally elected officials’ did not represent them and that they did not enjoy the same rights as pro-Moroccan citizens in Western Sahara” (Report on MINURSO, 2023: 6). This is a normative statement, but it does show how the value of citizenship lies in the acknowledgement of others and of the state in question protecting the rights of the individual. There is a caveat here as Moroccan elections are not considered fully democratic (Freedom House B, 2023), and as such having the political right to participate has little value.

The SADR provides national passports, but this limits the people to the 30 countries that recognize the nation (Manby, 2020: 18--19). Returning to Article 22 of the Human Rights Declaration – “Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international cooperation and in accordance with the organisation and resources of each State (...)” (UDHR, 1948) – there are further critiques to be levied. The legislation meant to protect the Sahrawi people simply does not exist. They are neither protected by Morocco or Algeria, and the SADR does not have the international status to carry much weight in terms of ensuring the rights of the people who live solely with Sahrawi nationality. This means that the idea of rights on equal terms with everyone else, per the liberal citizenship theory, does not exist for the Sahrawi, as they are not afforded equality under the international system. Though they are entitled to their political rights, choosing to participate in local political life will have little purpose as the area under the control of Polisario is currently a one-party system (Freedom House C, 2023).

Algeria does in some cases help Sahrawi out and into Spain, but it does not change their status as Spain does not recognize the SADR (Bouzeid, 2021). Spain has signed on to the 1961 Convention (UNTC, n.d.) and grants residence to many (Smith, 2021), but this does not reduce statelessness. They are robbed of both identity and basic human rights and have little chance to participate in politics in Spain or Algeria. They have few rights in Algeria and their territory is occupied. As a non-self-governing territory for whom the UN claims responsibility, they should be included in the 1961 Convention per Article 15 hereof, except neither Morocco nor SADR are signatories. It leaves us once again with the question of where the responsibility lies. International law is of little benefit to the Sahrawi when their status is conflicted.

Western Sahara remains unstable and full of conflict, but the political discussions and conversations remain. It appears little progress is made, but on an international level, the leaders of the Polisario do engage in talks with bigger powers (Report on MINURSO, 2023). Humanitarian aid is provided to Sahrawi refugees in Algeria, but this does nothing to protect those who remain in the territory of Western Sahara. There is a caveat here, for the past eight years, the UN Commissioner for Human Rights has been unable to gain access to the territory, which also limits our knowledge. There are a considerable number of reports of human rights being violated and Sahrawi people being held in detention in inhumane conditions, both in Western Sahara and in the refugee camps (Ibid.). The Moroccan state and the Polisario Front are accused of violating human rights and both sides accuse the other but it cannot be confirmed

due to a lack of access (Ibid.). According to Ph.D. candidate Meriem Naili, this lack of access has been a major reason for the stalemate. This is partially because the “United Nations Mission for the Referendum in Western Sahara has no mandate to monitor human rights abuses in Western Sahara” (Naili, 2023), which highlights the difficulties the international system faces in ensuring international law and conventions are upheld.

Stage III: Kosovo

To understand the current situation of Kosovo and the people living within its borders we analyse national legal documents related to our study, which include the Kosovo Constitution and relevant laws, as well as a report from the European Network on Statelessness (Mustafa, 2022).

Due to Kosovo’s limited international recognition, the country is unable to become a full member of the UN. Primarily, since its application would be immediately blocked by some of the permanent members of the UN Security Council, such as Russia and China, both of which don’t recognise Kosovo as a sovereign state (Efevwerhan, 2012). Due to this obstacle of accession to UN membership, Kosovo cannot become a signatory of either the 1954 Convention or the 1961 Convention (IBELONG, n.d.). Despite this, the Constitution of Kosovo grants human rights, including the right to citizenship, through Article 22 of the Constitution, which references the UDHR and makes it as such “(...) directly applicable in the Republic of Kosovo (...)” (Constitution of the Republic of Kosovo, 2008). Although Kosovo is unable to become party to international conventions and treaties, “through these commitments the [Kosovo] Constitution is in fact aligned with international instruments which protect the right to a nationality and the fundamental rights of all individuals, including those who are stateless or at risk of statelessness” (Mustafa, 2022).

Within this, we can see the influence of the international community in Kosovo, especially the UN, which, as mentioned earlier, had direct control over the territory from 1999 to 2008 (ConstitutionNet, 2021). The UNMIK was primarily tasked with “Promoting the establishment (...) of substantial autonomy and self-government in Kosovo (...)” (S/RES/1244, 1999). With this, the international community had a direct hand in shaping Kosovo’s institutions, laws, policy, and finally, constitution, which in turn created a “(...) democratic, secular and multi-ethnic republic, guided by the principles of non-discrimination and protection under the law” (Krasniqi, 2011). Here, we can see an example of the liberal theory of citizenship, where

Kosovo is a state in which all people are meant to be equal no matter their ethnicity, and the accumulation of power and dominance of one social group should be prevented. Through its constitution and declaration of independence, Kosovo shows that it is committed to the protection of individuals and their social, civic and political rights, rather than specific communities these individuals may or may not belong to.

In the case of Kosovo we look at the law that came into force in 2020, detailing the “Administrative instruction (...) for the procedure and criteria of determining the status of the stateless person (...)” (Kosovo: Administrative Instruction No. 06/2020, 2021). In this document, we can see the full application process to determine a person's status. Article 12 states that the officer dealing with a case will contact the country with which the applicant had a possible link, be that through former residence or familial ties (Ibid.). In the case of Kosovo, this is where the country's international status and recognition become a problem for the citizens and specifically those seeking citizenship. We argue that, because Kosovo does not have full international recognition, it can be hard for the case officers to contact and verify the applicant’s information if the country they have a link with does not recognise Kosovo. In these cases, Kosovo can seek help from third parties which have diplomatic links with both countries. These can be other countries that recognise Kosovo and have diplomatic missions in both states (Klabbers, 2021: 156) or they can be international organisations such as the EU or the UN, both of which already have established offices in Kosovo (EEAS, n.d.; UNMIK, 2023) that can be used “(...) as a channel for communication” (Ibid.). An example of this is the UNMIK, which already has a well-established channel for communication with the Serbian government through the United Nations Office in Belgrade (UNMIK, 2019). And lastly, a third party can even be an NGO that operates across state lines, such as the European Network on Statelessness (European Network on Statelessness, n.d.). This implication of nonrecognition from other states shows us how interstate politics can create unintended obstacles for people caught in the crossfire. To establish a person's legal status Kosovo authorities have to go through a lot of bureaucracy and different channels to get to the source they need, unlike other states with full recognition which can communicate directly with other countries.

In the end, even if a person manages to acquire Kosovo citizenship, this would still render them *de facto* stateless from the perspective of countries who do not recognise Kosovo’s sovereignty and consequently don’t recognise Kosovo-issued documents. To understand this vacuum of statelessness, we turn to the 1961 Convention, of which Serbia is a signatory (UNHCR, 2018:

25). In the Convention, we can find two main articles through which Serbia ties itself to Kosovo. Firstly, Article 10 of the Convention states that in the event of loss and transfer of territory, the signatory state must ensure that the inhabitants of those territories are not rendered stateless (1961 Convention). This means that, since there is no treaty transferring the Kosovo territory to another state, and Serbia no longer officially administers the territory, from the perspective of the non-recognising states, the people of Kosovo would be left stateless. To prevent this, Article 10 of the Convention obligates Serbia to grant statehood to the people of Kosovo. Secondly, this obligation of Serbia is also backed by the liberal egalitarian view of citizenship in the 1961 Convention, exhibited through Article 9 of the convention. This article states that “A Contracting State may not deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds” (Ibid.). With this, despite most of Kosovo's population being ethnically Albanian and Muslims and the population's political views being greatly against the Serbian claims to the country, they are still eligible to register as citizens of Serbia and their citizenship is not revoked when applying or holding Kosovo citizenship. All of this has made Kosovo “into a territory of overlapping sovereignties” (Krasniqi, 2015), where dual citizenship is widespread for practical reasons, because of the difference in international recognition between Serbian and Kosovo documents (Ibid.). Besides the fact that Serbia does not recognise Kosovo, the implication of international law through the 1961 Convention, gives legitimacy to Serbia's actions. Through this lens, Serbia can be seen as a malevolent actor, obeying international law and fighting against statelessness by granting its own citizenship to a community that would otherwise be left de facto stateless.

On the other hand, there are still communities in Kosovo that are at high risk of statelessness and whose members are being deprived of basic citizenship rights. These are the Ashkali and Egyptian communities, which are often incorrectly grouped in with the Roma, despite being separate distinct ethnic and linguistic communities (Krasniqi, 2013). During the Kosovo war, most people from these communities became refugees in Europe or internally displaced people (IDP) within Kosovo. After the war, many started to return, some even being forced to do so by Western states (Mustafa, 2022). And despite promises of a multi-ethnic state (Krasniqi, 2011), the Ashkali and Egyptians mostly became invisible communities on the verge of statelessness. Many of them still have the status of IDPs or hold invalid Yugoslavian documents (Krasniqi, 2013; Mustafa, 2022) and due to unregistered births within the community a lot of them are left stateless. Because of this, they are considered “legally ‘invisible’” (UNHCR, 2018) and as a result of the prejudice towards them in Kosovo, they are seen as an “issue [left]

for the international community to deal with” (Krasniqi, 2013). The treatment the Ashkali and Egyptians face in Kosovo shatters the liberal view and aim of the country for equality in citizenship, which reinforces the argument made by Margaret S. Somers, that citizenship and rights gained through it are not automatically given, but rather require political and social recognition (2008: 7). For the Ashkali and Egyptians living in Kosovo, this is a reality a lot of them face every day while waiting for their rights as citizens to be recognised.

Comparative analysis

All three of the chosen cases deal with the issue of statelessness to a different extent and touch upon different aspects of it. As the analysis has shown, there are multiple levels of socio-political disadvantage people may face when deprived of their right to citizenship or the rights that citizenship should provide, often having detrimental consequences for their existence.

Among the communities discussed, it is Roma, Sahrawis in Western Sahara, as well as the Ashkali and Egyptians in Kosovo, who fall victim to the most severe abuse of their nationality rights. Those are the minority groups who do not have or have not yet advanced any political representation powerful enough to carry their voice and advocate for them on the national level. Therefore, all of these groups fall outside the system as marginalised minorities with no access to the most fundamental resources that would guarantee security and a dignified life. Without citizenship, they cannot enter state education, get stable employment, or own legal property in the countries that they reside in. Despite the different geographical locations and political realities, it is a common denominator for all of them that they exist in a legal void that prevents them from proper integration within the society and creates conditions in which it often becomes a struggle to survive.

When it comes to the goal of ending statelessness, Western Sahara and Kosovo are in similar positions, as both are only partially recognised states (although to different extents). None of them is a UN member, which further makes it impossible for them to be signatories to not only the 1961 Convention, but also other internationally binding documents, such as the UDHR.

Differences start to appear and the ‘level of statehood’ comes into play when we look at how and on what basis citizenship is granted to Kosovans compared to Sahrawis. Once again, in accordance with Articles 9 and 10 of the 1961 Convention, Kosovo citizens, despite not being recognised by Serbia, are able to acquire Serbian citizenship and they do not face rejection on the grounds of their Kosovo citizenship. On the other hand, Morocco - as an occupying power

- does not view SADR documents as legitimate either, but does not allow dual citizenship with SADR, which leaves the Sahrawi community with only one of three options: accept the Moroccan citizenship, keep the 'lesser' Sahrawi passport, or remain stateless. Moreover, it is much easier for international involvement to take place in Kosovo since it is more likely to engage in a dialogue with different organisations, whereas Morocco has been blocking the UN access and information flow to and from Western Sahara for years.

Taking the lens of the liberal citizenship, it becomes clear that none of the cases discussed fully align with the principles of the theory. In each situation there are people who are deprived of some rights, which naturally makes it impossible to guarantee equality.

Discussion

The discussion is based on the apparent complexities of statelessness. We will address citizenship theory and international law and lastly, we will briefly discuss the UNHCR 2024 goal to end statelessness.

The concept of statelessness

The 1954 Convention gave a clear definition of when a person is stateless, yet the issue remains complex. There are people in the world, like the Sahrawi in refugee camps or those Sahrawi opposing Moroccan rule, who fit this definition as they do not belong to any recognised nation. However, there are nuances of statelessness to consider. Holding citizenship does not necessarily mean the rights that should come with this status are fulfilled by the state and, as such, the people in question face many of the same difficulties as those who are de jure stateless. Those who suffer under de facto statelessness can also be found in all three cases, like Roma people in many areas and the Sahrawi who feel disenfranchised, despite holding Moroccan citizenship (Manby, 2020: 6). This makes it more difficult to view statelessness in the static view of being “(...) a person who is not considered a national by any State (...)” (1954 Convention). It goes well in hand with the view of the liberal idea of citizenship that the state serves to ensure rights to each individual because they then lack the rights that the UN has declared universal and thus must be included in the UNHCR mission to end statelessness. Another thing to consider is that people are not guaranteed many rights when they are de jure stateless but there are also people like the Sahrawi who hold Moroccan citizenship, yet are not

on equal footing with other Moroccan citizens (Freedom House C, 2023) which does not necessarily make them de facto stateless, but it is a layer of complication. Where should the line be drawn between discrimination of political rights and de facto statelessness?

Kosovo and Western Sahara have faced similar difficulties on an international level as both Kosovo and the Polisario movement once declared independence for their people and territory. The difference is that the UN acknowledged that Kosovo was entitled to do so (BBC, 2010), despite struggles with Serbia and recognition, yet while the UN has acknowledged that the people of Western Sahara should be entitled to vote for who should govern the territory (Smith, 2021), they have not been able to push this through. Nonetheless, both Kosovo and Western Sahara have gained some recognition although neither is fully recognized as a sovereign nation. This partial recognition further complicates the question of statelessness, as in the view of some countries, these are both states and as such, their documents are valid, whilst in the view of others those people are stateless. It furthers the idea that there are degrees of statelessness and shows the complexity of the issue. Since Kosovo is recognized by a far greater number of countries, the people who belong to the nation likely face fewer difficulties in terms of international recognition and movement than Sahrawi nationals.

Citizenship and human rights

Human rights cannot be fully implemented without citizenship, but citizenship does not necessarily prevent the violation of human rights. In all three cases analysed in this project, we can see how, despite having citizenship, some groups of people are systematically discriminated against. For the people of Kosovo, this is evident in the prevalence of dual citizenship, where holding only Kosovo documents provides the citizens with the basic rights within the country but it does not guarantee that their rights will be respected outside of Kosovo. As for the Sahrawi, due to the lack of recognition for the SADR documents, the people who still live in Western Sahara are left to choose between accepting Moroccan citizenship, which ensures a degree of social, political, and civil rights within Morocco and internationally, or remaining stateless. They cannot exercise full political freedom as, for example, protesting Moroccan rule risks their citizenship (Manby, 2020: 17), which should not be allowed under international law. The Roma, on the other hand, despite holding citizenship of a country they reside in, oftentimes face discrimination both on the micro, as well as the macro levels, based on their ethnic background (European Union Agency for Fundamental Rights, 2023: 13), which goes against the liberal citizenship theory notion “that individuals are entitled to equal

treatment” (Lister & Pia, 2008: 9). In all three cases, citizenship does not necessarily ensure equal political, social and civil rights.

This shows how the connection between human rights and citizenship is not a stable one, and despite countries' recognition (or lack thereof) of a person's citizenship status, they are not always obligated or monitored in their conduct with their own or foreign citizens.

Liberal theory of citizenship and international law

The liberal theory is just one angle to look at citizenship. The three classic theories of citizenship have different emphases on Delanty's four aspects of citizenship. For example, communitarians believe that liberal theory disregards the importance of existing communities (Lister & Pia, 2008: 18), whereas compared to the republican theory of citizenship, liberalism pays no attention to the danger of “domination” (Ibid.: 23). In this sense, communitarianism could have been a valuable angle for this project, however, our choice of the liberal theory is founded in our focus on rights. It gives us important insights regarding the UN Declaration of Human Rights, which is signed by most countries in the world and thus has relevance for the international law aspect. By focusing on citizenship, we miss out on some of the complexities of the issue of statelessness. It became clear through our document analysis, as we have just discussed, that being a citizen of the country of residence does not necessarily mean your basic rights can be exercised.

International law was useful for this project's focus on the UN and what impacts it has, while allowing us to acknowledge the importance of national legislation. However, we must acknowledge that international law is a normative approach. Nonetheless, it gave insight into the gap between real life and international conventions. There is great value in the international community agreeing on basic rights everyone should be entitled to but it is difficult to apply this without the support of the local government. International conventions and norms do not translate into immediate improvement of circumstances. Applying those is a complex matter, as made clear by our analysis, since states will act in various manners and without significant international pressure it is difficult to see how those norms will be implemented, especially in areas of conflict.

The 1954 and 1961 Conventions are, according to professor Kerstin Carlson, “the most powerful citizenship protections in international law” (Carlson, 2024: 3). This is concerning in the sense of how many countries, as mentioned, have not ratified these Conventions.

Furthermore, citizenship is issued by each state, yet plays a role on both a national and international level, and as such the role international law can play is, as we have seen, multi-faceted.

The UN approach to statelessness

It is clear that the UN approach to statelessness has worked when looking at official numbers, even if not as drastically as the initial plan would suggest. Our Kosovo analysis indicates that in the last decade, there has been a great effort towards ending statelessness within their territory. In this case, there is the layer of complication that Kosovans as a whole are not considered stateless, but there are numerous countries that do not recognize Kosovo and arguably in this view, they remain de facto stateless in the eyes of many. In Western Sahara and with the Sahrawi who live in refugee camps in Algeria, it is more complicated altogether, since the UNHCR for the past eight years has been denied access to the areas in Western Sahara, where human rights violations are being reported (Report on MINURSO, 2023). This is also the case for the refugee camps in Algeria, but here humanitarian aid has been provided and the Secretary General has stated his concern over the camps as well as the lack of access to Western Sahara itself. We must note his phrasing of this - “I remain concerned (...) reiterate my call to the parties to respect, protect and promote the human rights of all people in Western Sahara” (Report on MINURSO, 2023: 16), which makes clear that his earlier reports have not had the desired effect. We will be discussing the aims of the UNHCR goal to end statelessness that are particularly relevant for our three examples of places and peoples where statelessness still occurs.

- *“Resolve existing major situations of statelessness” (UNHCR, 2014: 1)*

It is clear that efforts have been made towards this goal, however, the UNHCR needs government support to be able to make real strides toward this. National legislation efforts have been made in Kosovo, in cooperation with the UN, which has been effective, and there is little reason to assume these efforts should not continue. Despite the efforts made here, statelessness persists in Kosovo which points to how many things need to be addressed in the fight against statelessness. Handling the Roma situation is yet more difficult since most of those who suffer under statelessness are de facto (not de jure) stateless, which is more complicated to address. The matter of the Sahrawi is one major instance of statelessness addressed in this project, which, as our analysis shows, is quite complicated, and resolving it is a difficult goal to achieve

despite the UNHCR working with both Morocco, Algeria, and the Polisario Movement (Report from MINURSO, 2023). We could even argue that the renewed violence in 2020 has made it less likely that ending statelessness for Sahrawi will happen anywhere in the near future.

- *“Prevent denial, loss or deprivation of nationality on discriminatory grounds” (UNHCR, 2014: 1).*

This aim is one that very clearly requires the cooperation of the state, and there is little the UNHCR can do about it. Sahrawi who refuse to acquiesce to Moroccan rule, are deprived of Moroccan citizenship which, as we have established, is their current best opportunity for an internationally valid citizenship. Yet it does not seem that the UN can intervene in this. There is an attempt to combat discrimination against Roma by the EU, yet this, as discussed in terms of the complications of international law, is not easy to achieve.

- *“Grant protection status to stateless migrants and facilitate their naturalization” (Ibid.)*

In our cases, this seems to be halfway fulfilled. Stateless migrants are afforded some degree of international protection, but we see little happening in terms of allowing them to gain a new home and permanent citizenship in the country to where they have migrated.

- *“Issue nationality documentation to those with entitlement to it” (Ibid.).*

This is in itself a difficult goal for the UNHCR since the term ‘entitlement’ can easily be challenged. Who determines who is entitled? Is it by international law or by each national government? Most countries have their own legislation that defines who has the right to be born with citizenship - the country of birth or the country of your parents (Carlson, 2024: 2). In our cases, there is a chance for people to get documentation, however, the contested nature of the states in question lessens the value of said nationality documentation.

All this makes it clear that the UN and its institutions very much need the cooperation of states to be truly effective. They have achieved progress over the past nine years but there are still many things that need addressing. In the case of Roma people, a push for an end to discrimination is necessary but not without complications. In Western Sahara, the goal is already tied up in the desire for a referendum but we fail to see how the situation will change, in one way or another, without the referendum being held. The desire for independence that

was declared in 1976 remains and the Moroccan occupation needs to be addressed more clearly. Evidently, progress has been made in Kosovo, but issues remain and one could argue that ideally, the remainder of the UN member states recognize Kosovo to first ensure Kosovo's legal status and resolve the complicated situation with Serbia.

Conclusion

Through our chosen empirical data, we can conclude that the implementation of international legislations to end statelessness is a complex process and does not simply require the cooperation of the country or territory in which the stateless people reside, but requires the cooperation of the international community, first and foremost the neighbouring territories/countries.

Statelessness is often framed as a lack of citizenship or a nation. Working with the liberal theory of citizenship, it becomes clear that citizenship is important in securing the rights of the people. However, it is not the only thing that matters. In our empirical selections, *de facto* statelessness is as major of an issue as *de jure* statelessness, and it is arguably a harder problem to resolve, particularly when statelessness is often, as we have found, addressed through a lens of *de jure* statelessness. Furthermore, a lack of citizenship does not necessarily mean that every right is violated. The UN and other organisations are heavily involved in many places, like the Sahrawi refugee camps, in ensuring education for children, etc. (Report on MINURSO, 2023: 12). In this way, the international acknowledgement of human rights is in line with the liberal theory of citizenship's notion of rights as something each person is born with. Some of these rights can be fulfilled by authorities other than the state, hence, in cases of statelessness, the UN can have quite a significant impact. This is not to say that the state and citizenship are not important, as it remains the best way for basic rights to be upheld. As we have seen, international organisations like the UN cannot fully implement their goals without the cooperation of the state or whichever group holds control over the territories in question.

Much could be gained from further work on each of the circumstances of statelessness and going in-depth with the various articles and reports to give a broader and more definitive answer to the situations and how international law and conventions have an effect in real-life. It is not possible for us to conclude decisively about the UNHCR's goal to end statelessness as

we have not looked at every known instance of statelessness. We can conclude that the issue is complex and as such it is important to consider different forms of statelessness when the aim is to truly eradicate the suffering it can bring and that a combination of international organisations efforts, international cooperation, and national legislation is needed for effective change.

Bibliography

1954 Convention relating to the Status of Stateless persons (2014).
https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf

1961 Convention on the Reduction of Statelessness (2014).
https://www.unhcr.org/ibelong/wp-content/uploads/1961-Convention-on-the-reduction-of-Statelessness_ENG.pdf

Ahmed, T. (2017) The Many Vulnerabilities of the Roma and the European Legal Framework in Iglesias Sanchez, S., & Ippolito, F., *Protecting vulnerable groups : the European human rights framework*. Hart Publishing.

A/RES/77/133 (2022) Resolution adopted by the General Assembly on 12 December 2022.

Balestra, C. & Fleischer, L. (2018) "Diversity statistics in the OECD: How do OECD countries collect data on ethnic, racial and indigenous identity?", *OECD Statistics Working Papers*, (2018/09), OECD Publishing, Paris.

BBC (2010) *Kosovo independence not illegal, says UN court* on [bbc.com](https://www.bbc.com/news/av/world-europe-10734676)
<https://www.bbc.com/news/av/world-europe-10734676>. Last accessed 26/9-2023.

Bouzeid, A. E. (2021) *From colonial subjects to stateless refugees* on [statelessness.eu](https://www.statelessness.eu).
<https://www.statelessness.eu/updates/blog/from-colonial-subjects-to-stateless-refugees>. Last accessed 18/12-2023.

Britannica (2023) *Polisario front* on [britannica.com](https://www.britannica.com)
<https://www.britannica.com/topic/Polisario-Front> Last accessed 1/12-2023.

Buchholz, K. (2023) *Kosovo and beyond: Where the UN disagrees on recognition (Infographic)*, On [forbes.com](https://www.forbes.com)
<https://www.forbes.com/sites/katharinabuchholz/2023/02/17/kosovo--beyond-where-the-un-disagrees-on-recognition-infographic/> Last accessed 13/12-2023.

Carlson, K. (forthcoming 2024) Ties that sever: Losing the right to belong in Denmark. *Law and Critique*.

CIA (n.d.) *Kosovo* on [cia.gov](https://www.cia.gov/the-world-factbook/countries/kosovo/) <https://www.cia.gov/the-world-factbook/countries/kosovo/> Last accessed 3/12-2023.

Constitution of the Republic of Kosovo (2008), <https://www.refworld.org/docid/5b43009f4.html> Last accessed 14/12-2023.

Comparative method (n.d.) <https://buddingsociologist.in/comparative-method/> Last accessed 13/12-2023.

ConstitutionNet (2021) *Constitutional history of Kosovo* on constitutionnet.org <https://constitutionnet.org/country/europe-kosovo> Last accessed 13/12-2023.

Council of Europe (2020) *Strategic Action Plan for Roma and Traveller Inclusion (2020-2025)*.

Crawford, J. & Koskenniemi., M. (Ed.) (2012) *International law*. Cambridge University Press.

EEAS (n.d.) *Who we are* https://www.eeas.europa.eu/kosovo/who-we-are_en?s=321 Last accessed 13/12-2023.

Efevwerhan, D. (2012) *Kosovo's Chances of UN Membership: A Prognosis*, in *Goettingen Journal of International Law*.

European Commission (2020) *Roma equality, inclusion and participation in the EU*.

https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/roma-eu/roma-equality-inclusion-and-participation-eu_en

European Network on Statelessness (n.d.) *Everyone has the right to a nationality* <https://www.statelessness.eu/> Last accessed 13/12-2023.

European Union Agency for Fundamental Rights (2023) *Roma in 10 European Countries. Main results* https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-roma-survey-2021-main-results2_en.pdf Last accessed 18/12-2023.

Freedom House A (2023) *Kosovo: Freedom in the World 2023 Country Report* <https://freedomhouse.org/country/kosovo/freedom-world/2023> Last accessed 3/12-2023.

Freedom House B (2023) *Morocco: Freedom in the World 2023* <https://freedomhouse.org/country/morocco/freedom-world/2023> Last accessed 15/12-2023.

Freedom House C (2023) *Western Sahara: Freedom in the World 2023* <https://freedomhouse.org/country/western-sahara/freedom-world/2023> Last accessed 14/12-2023.

Ghaedi, M. (2023) *Morocco and Western Sahara: A new conflict brewing?* On dw.com <https://www.dw.com/en/moroccos-territorial-claims-on-western-sahara-a-new-conflict-brewing/a-66288761> Last accessed 1/12-2023.

Hrvatska enciklopedija (2021) *Kosovo* on enciklopedija.hr <http://www.enciklopedija.hr/Natuknica.aspx?ID=33342> Last accessed 3/12-2023.

IBELONG (n.d.) *Kosovo (S/RES/1244(1999))* on UNHCR <https://www.unhcr.org/ibelong/kosovo-joint-strategy/> Last accessed 13/12-2023.

Ibelong (2021) Campaign Update on <https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=topic&docid=616ff7a34&skip=0&tocid=50ffbce524d&toid=50ffbce5268&querysi=Kosovo&searchin=fulltext&sort=date> Last accessed 17/12-2023

Indeed (2023) *Document analysis guide: Definition and How to perform it.* <https://www.indeed.com/career-advice/career-development/document-analysis>

Klabbers, J. (2021) *International Law* (3rd ed.). Cambridge University Press.

Kosovo: *Administrative Instruction No. 06/2020* (2021) *for the procedure and criteria of determining the status of the stateless person, the manner of acquisition of the citizenship by the stateless person and the person with refugee status* <https://www.refworld.org/docid/60215e944.html>. Last accessed 14/12-2023.

Krasniqi, G. (2015) *Country Report on Citizenship Law: Kosovo*. EUDO Citizenship Observatory.

Krasniqi, G. (2013) *Equal citizens, uneven 'communities': differentiated and hierarchical citizenship in Kosovo*. CITSEE Working Paper Series.

Krasniqi, G. (2011) *Kosovo: Between a 'political club' and a 'divided house'* on CITSEE.eu <https://www.citsee.eu/citsee-study/kosovo-between-%E2%80%98political-club%E2%80%99-and-%E2%80%98divided-house> Last accessed 13/12-2023.

Law, I. & Kovats, M. (2018) *Rethinking Roma Identities, Politicisation and New Agendas* (1st ed. 2018.). Palgrave Macmillan UK.

Lecerf, M. (2023) Understanding EU action on Roma inclusion. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690629/EPRS_BRI\(2021\)690629_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690629/EPRS_BRI(2021)690629_EN.pdf) Last accessed 17/12-2023.

Lister, M. & Pia., E (2008) *Citizenship in contemporary Europe*. Edinburgh University Press.

McGarry, A. (2014) Roma as a political identity: Exploring representations of Roma in Europe. *Ethnicities*, 14(6).

Manby, B (2020) *Nationality and statelessness among persons of Western Saharan Origin in Immigration, Asylum and Nationality Law*, 34(1).

Mathiason, J (n. d.) *World Citizenship: the individual and international governance*. Cornell Institute for Public Affairs, Cornell University.

MINURSO (n.d.) *United Nations mission for the referendum in Western Sahara*. <https://peacekeeping.un.org/en/mission/minurso> Last accessed 14/12-2023.

Mustafa, A. (2022) *The Roma Belong Project: Supporting Roma, Ashkali and Egyptian communities in Kosovo* on European Network on Statelessness <https://www.statelessness.eu/updates/blog/roma-belong-project-supporting-roma-ashkali-and-egyptian-communities-kosovo> Last accessed 13/12-2023.

Naili, M. (2023) *Western Sahara: the six-decade struggle to liberate Africa's last colony*. <https://theconversation.com/western-sahara-the-six-decade-struggle-to-liberate-africas-last-colony-192654> Last accessed 14/12-2023.

OHCHR. (n.d.) *Advancing Roma inclusion*. <https://www.ohchr.org/en/minorities/advancing-roma-inclusion>

Owen, D. (2018) On the Right to Have Nationality Rights: Statelessness, Citizenship and Human Rights. *Netherlands International Law Review*.

Peter McMullin Centre on Statelessness (2022) *An Overview of Statelessness*. Melbourne Law School.

Report on MINURSO (2023) *Situation concerning Western Sahara, Report of the Secretary-General*. https://minurso.unmissions.org/sites/default/files/s-2023-729_-_sg_report_on_minurso_-_english.pdf

Rogel, C. (2003) *Kosovo: Where It All Began*, in *International Journal of Politics, Culture, and Society*, 17(1).

Roos, D. (2019) *5 Large Nations with No Homeland* on howstuffworks.com <https://history.howstuffworks.com/world-history/people-groups-with-no-homelands.htm> Last accessed 18/12-2023

Sahrawi response (n.d.) on <https://pro.drc.ngo/where-we-work/west-north-africa/saharawi/> Last accessed 13/12-2023.

Smith, D. (2021) *Political limbo and statelessness in Africa's last colony* on statelessness.eu. <https://www.statelessness.eu/updates/blog/political-limbo-and-statelessness-africas-last-colony> Last accessed 8/12-2023.

Somers, M. R. (2008) *Genealogies of citizenship. Markets, statelessness, and the Right to Have Rights*. Cambridge University Press.

S/RES/1244 (1999) Adopted by the Security Council at its 4011th meeting on 10 June 1999.

UN Conventions on Statelessness (n.d.) on unhcr.org <https://www.unhcr.org/what-we-do/protect-human-rights/ending-statelessness/un-conventions-statelessness> Last accessed 1/12-2023.

United Nations Charter (n.d.) on un.org. <https://www.un.org/en/about-us/un-charter>. Last accessed 15/12-2023.

UNHCR (2014) *Global Action Plan to End Statelessness*. <https://www.refworld.org/docid/545b47d64.html>. Last accessed 8/12-2023

UNHCR (2018) *Ending Statelessness in South Eastern Europe*. https://www.unhcr.org/see/wp-content/uploads/sites/57/2019/03/UNHCR_ENG_MAJ18_everzija.pdf

UNHCR (2023) reports progress on tackling statelessness. <https://www.unhcr.org/news/press-releases/unhcr-reports-progress-tackling-statelessness> Last accessed 13/12-2023.

UDHR (n.d.) Universal Declaration of Human Rights on un.org <https://www.un.org/en/about-us/universal-declaration-of-human-rights> Last accessed 1/12-2023.

USC (Universidad de Santiago) (n.d.) SADR Recognitions on usc.es https://www.usc.es/en/institutos/ceso/RASD_Reconocimientos.html Last accessed 17/12-2023

UNMIK (2019) *United Nations Office in Belgrade* on unmissions.org <https://unmik.unmissions.org/united-nations-office-belgrade> Last accessed 13/12-2023.

UNMIK (2023) *UNMIK Mitrovica Regional Office* on unmissions.org <https://unmik.unmissions.org/unmik-mitrovica-regional-office> Last accessed 18/12-2023.

UNTC (n.d.) United Nations Treaty Collection. Chapter V Refugees and Stateless persons. 4. Convention on the Reduction of Statelessness. https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5&clang=en. Last accessed 13/12-2023.

World Population Review (2023) Western Sahara on <https://worldpopulationreview.com/countries/western-sahara-population>. Last accessed 15/12-2023.

Zunes, S., & Mundy, J. (2022) *Western Sahara: War, Nationalism, and Conflict Irresolution, Second Edition* (2nd ed.). Syracuse University Press.