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Is the discussion  
of  
'Statelessness'  
in the UN  
Security Council  
a question of  
human security  
or international  
security?



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Culture and Mobility

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## *Human security or international security?*

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This research programme focuses on a range of issues related to the wellbeing and recognition of people who traverse continents devoid of citizenship. Issues related to refugees remain crucially unanswered in debates and policies surrounding migration. In the wake of acknowledgement within the academy that it is not always possible to isolate refugees from migrants, this programme analyzes a range of contexts where dignity and human rights are compromised through the absence of legal and political recognition. By focusing on situations of extreme vulnerability and on lives lived on the borderline, this research programme seeks to articulate and address urgent needs with regard to the stateless migrants who have entered Europe.

# Is the discussion of “Statelessness” in the UN Security Council a question of human security or international security?

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## Executive Summary

Statelessness is a particularly vulnerable condition in which individuals and peoples can encounter themselves in a situation where they are not considered as nationals of any state. Among a variety of factors, war, discrimination against minority groups, gender discrimination affecting the possibility to pass nationality to children, failure in the legislation of new states, and even climate change menacing the very existence of some states, can produce stateless individuals. Also, there are cases in which individuals and groups for various reasons could be unwilling to make use of their own citizenship.

This report presents the results of both a content analyses of the United Nations (UN) official documents including discussions of “Statelessness”, since 2000, and a discourse analysis of thirty-four documents of the UN Security Council (UNSC), in which the UN permanent and non-permanent members considered this issue in the agenda.

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From this latter analysis, in particular, it is possible to distinguish three key phases, depending on which category of security the member states of the UNSC relates the discourse about statelessness. It is evident that the question of statelessness emerged as an issue of international security mainly in the years 2004-2007, while in the other two periods (2000-2003 and 2008-2013) the UNSC regarded statelessness as a concern of human security. This report investigates in this direction to emphasize that changing the political frame of reference for this question matters significantly on outcomes of policy-making.

For instance, it is alarming that recently this question has been increasingly related to issues of terrorism. In fact, associating statelessness to matters of instability, terrorism and other security threats could produce a demonization of the question impacting negatively on stateless people, who already find themselves in extremely vulnerable conditions.

Consequently, the key recommendation emerging from this study is that international organizations, and primarily the United Nations, should ensure that statelessness is firstly and above all regarded as a serious problem endangering vulnerable people. This should remain a question of human security that international organizations and states should primarily address because of the various risks to which these people could be exposed because of their unprotected conditions.

Whether the UN members should consider it within the frame of either international or state security, it should then make clear that this is firstly done to avoid the exploitation and abuses they could suffer by part of both organized and non-organised crimes. Associating the question of statelessness with issues of terrorism is particularly concerning, as it can imply further generalized discrimination towards a category already subject to sources of economic, social and political vulnerabilities.

## **Introduction**

Statelessness is the condition in which individuals encounter themselves outside the protection of one state. The first Convention relating to the Status of Stateless Persons was signed in 1954 and it states in article 1 that:

statelessness person means a person who is not considered as a national by any State under the operation of its law (Convention 1954, art. 1).

However, with the years, it has become clear that for the UN the definition of statelessness needed to be updated. In fact, the Convention's object and purpose is to guarantee people full enjoyment of human rights, but its definition of statelessness does not give ground to include those people who, though being nationals of some states, could not use in any effective way their nationalities.

To identify this situation, the UNHCR created the category of *de facto* statelessness (UN High Commissioner for Refugees (UNHCR) 2010). This acknowledgement of a *de facto* statelessness emphasizes the impossibility (or unwillingness) for some individuals or minority groups to make a sensible use of one's nationality for a variety of reasons<sup>1</sup>. Either *de jure* or *de facto* – statelessness entails that persons who are already extremely vulnerable are unprotected.<sup>2</sup>

Table 1 summarizes data illustrating the presence of this concept in the discussions of four Bodies of the UN: the UNGA, the United Nations Security Council (UNSC), the United Nations Economic and Social Council (ECOSOC) and the UNHRC.

It is important to note that, while there are seven UN bodies, only the four included in the table are using the terminology in question. Interestingly, in the repository of official documents available through the UN website, there is not any trace of the Secretary General, and the other UN bodies<sup>3</sup>, using the concept of 'statelessness'. The data are provided over the period of 13 years from 2000 to 2013, and are compiled from analyses of the use of the term 'statelessness' and derivations of that term in documents produced over the period in question.

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<sup>1</sup> A more in depth discussion of the notion of *de facto* as opposed to *de jure* statelessness can be found in Bloom (2013).

<sup>2</sup> For the purposes of this analysis, this report examines the use of the generic notion of 'statelessness'. Where a relevant distinction is made between those different instantiations of the condition, this will be stated.

<sup>3</sup> This is at least what is found within the UN repository of Official Documents available online. From a separate search on the International Court of Justice website, it shows that there are 17 documents where the word "stateless" appears.

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Table 1: The question of Statelessness in the UN Bodies\*

Period	N.	UNGA	UNSC	ECOSOC	UNHRC
Up to 2000	87	36	2	22	0
2001	90	35	1	15	0
2002	61	21	2	9	0
2003	64	24	1	19	0
2004	77	37	3	12	0
2005	78	35	0	16	0
2006	86	53	2	4	1
2007	100	70	2	3	26
2008	491	442	2	6	385
2009	504	392	5	2	339
2010	458	403	2	6	355
2011	66	51	0	0	25
2012	479	354	0	10	272
2013	399	316	12	3	260
1998-2013	3040	2269	34	127	1663

A preliminary content analysis of the official documents that these four Bodies of the UN<sup>4</sup> have produced exposes a changing usage of this concept.

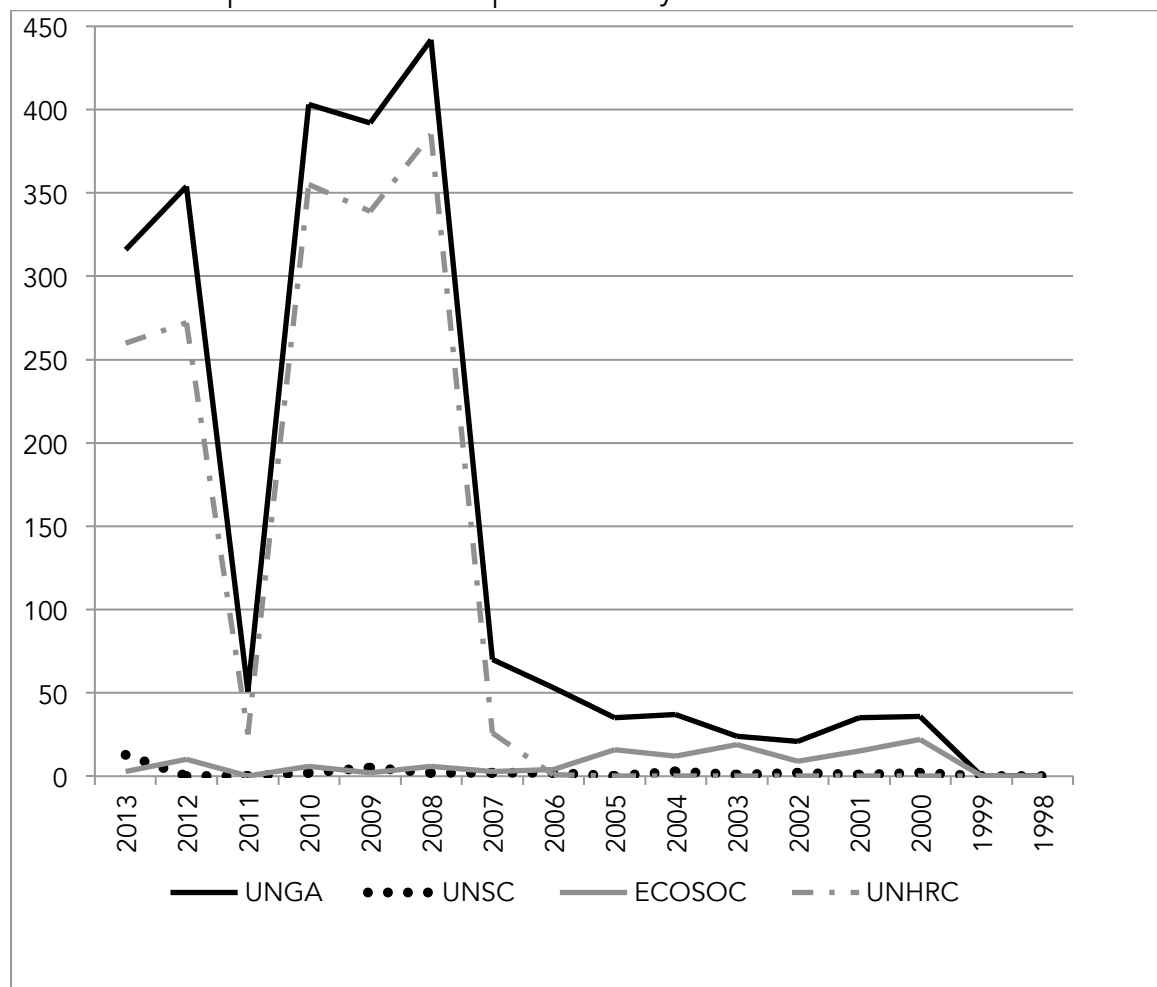
\* Please note that most of the UNHRC are produced jointly with the UNGA; however, the total number of documents displayed for the period 2000-2013 just count published documents. A document produced jointly by two or even more UN Bodies counts as one but it appears in each involved Body involved in its production. For this reason, the numbers of total documents can be lower than the sum of documents per each body.

<sup>4</sup> This report presents the findings of analyses done on the UN Official Documents available on the UN website: <<http://documents.un.org>> (Last accessed on Friday, 8 November 2013).

This content analysis shows that, from 2008, it is the UN Human Rights Council (UNHRC) that mostly addresses this issue in close collaboration with the General Assembly (UNGA).

The important role of the UNHCR is made particularly clear if one takes a look at figure 1, illustrating the number of times this question has arisen in the different UN Official Bodies under consideration.

Figure 1: The number of documents referring to 'statelessness' and related terms over the period 2000-2013 produced by the UN Official Bodies<sup>5</sup>



In Figure 1, each of the four lines represents the number of times that the UN Body in question has addressed the matter of statelessness during the years 2000-2013.

<sup>5</sup> This data is collected by a content analysis on the documents of the UN Official Bodies available via the UN online repository over the period from 2000 to 2013 and is correct as of 8<sup>th</sup> November 2013.

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The result worth mentioning from this figure concerns the extent of collaboration and involvement of these UN bodies on the question of statelessness. In fact, before 2006, statelessness had been matter of interest mainly of the UNGA and the ECOSOC. As the figure shows, from 2000 to 2007, the UNGA's line and the ECOSOC's line are similar; to some extent they produce documents at a similar rate. However, from 2008, UNHRC's and UNGA's lines start to follow the same pattern. This makes clear that the two Bodies started to work in strict collaboration on the question of statelessness. In the previous years (2000-2007), the UNHRC had not taken into account statelessness among its concerns. This draws interest in understanding whether and why the year 2008 has represented a turning point within the UN system when considering questions of statelessness.

Interestingly, a discourse analysis of thirty-four UNSC documents reveals that 2008 is also a turning point as far as the political dimension within which statelessness is discussed; particularly, whether it is a matter of international security or human security. In fact, from 2004 to 2007, statelessness becomes a concern related to instability in the UNSC, and its members were inclined to discuss this as a matter of international security (see Appendix).

In 2008 the UNSC's approach changes. During that year, in the UNSC's consultations, the need to hear a briefing from the UN High Commissioner for Refugees (UNHCR) emerges, as the official document of the meeting 6062 states. In that same meeting, on 8<sup>th</sup> January 2009, Antonio Guterres, the UN High Commissioner for Refugees (UNHCR), briefing on forced displacements, highlights the importance of statelessness in his agenda, and makes clear that UN member states should ensure full protection of the human rights for these vulnerable persons.

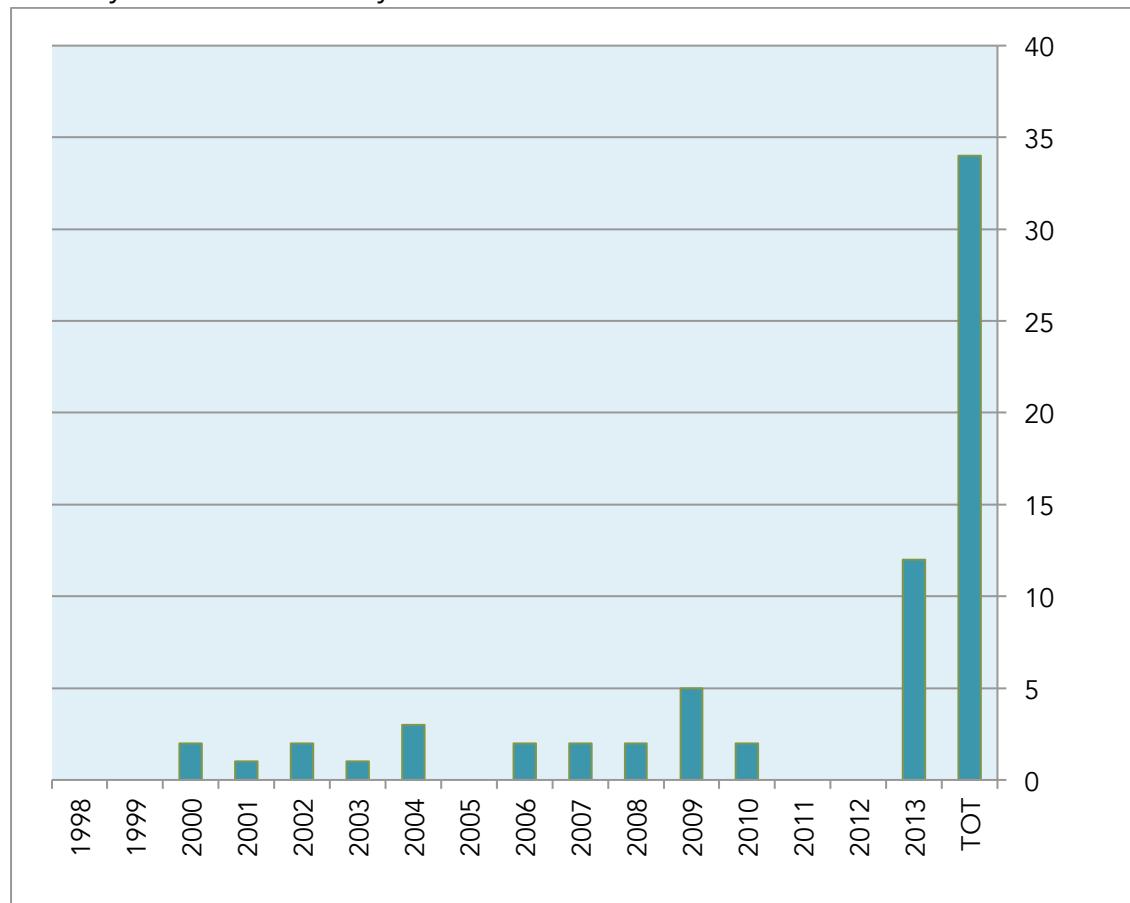
This turning point in the Security Council meeting allowing to include the discussion of statelessness in the framework of human security correlates with the increase in discussion of statelessness within the UNGA and the UNHRC in the same period, as Figure 1 shows. This indicates that statelessness could finally arise as a question concerning human rights. As such, the occasions in which the UN has been considering its features and consequences have multiplied. In 2008, the total number of official documents in which the UN Bodies take into account the question of statelessness comes to almost five hundred: five times the number of the previous year (see Table 1).

Table 1 also shows that the involvement of the UN Security Council on matter of statelessness has always been modest. Yet, the question is not neglected, as Figure 2 shows. Rather, in 2013 the Security Council has almost tripled its



concern about conditions of statelessness. In total, the UNSC has discussed statelessness on thirty-four occasions, concentrated particularly in 2013. Such a sudden increase of the attention that the UNSC has dedicated to this issue is interesting to the point that it stimulates a more careful analysis, involving an in-depth study of discourses surrounding the topic in this UN Body.

Figure 2: Number of references to Statelessness in documents of the UN Security Council over the years 2000 to 2013<sup>6</sup>



## The concern about statelessness in the UN Security Council

This section presents the results of an in-depth discourse analysis of the thirty-four UNSC documents in which this Body considered the question of statelessness. The UNSC does not clarify in any documents if its reference is to *de jure* statelessness people only, or also to those who are *de facto* stateless. Given the UNSC's concern about issues that are or could become

<sup>6</sup> This data is collected by a content analysis on the documents of the UN Security Council available via the UN online repository over the period from 2000 to 2013 and is correct as of 8<sup>th</sup> November 2013.

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relevant for security, it is clear that its interest could cover both situations, depending on context. Yet, some questions arise: when and why does an individual's status such as the one of statelessness become a matter of security at the international level?

There could be two possible responses to this question. The first is that individuals with no citizenship or citizenship of which they cannot make use could threaten international security. Such vulnerable persons must use non-institutional and/or illegal channels to cross borders due to their condition and this threatens the right of the state to control the entry in its territory. The second is that instead the UNSC is interested in dealing with issues of human security. In fact, stateless individuals and people are extremely defenseless and, for this very reason, they easily become victims of organized crimes and are exposed to several sources of political, economic and social vulnerabilities (Koser 2005).

### *Statelessness as a matter of international security*

As for the first case, statelessness could be regarded as part of a quite recent phenomenon debated in the field of study of security, known as "new threats to security". For the understanding of what is a "new threat", one must first consider what is a (common) security threat. According to Ullman (1983):

A threat to national security is an action or sequence of events that (1) threatens drastically and over a relatively brief span of time to degrade the quality of life for the inhabitants of a state, or (2) threatens significantly to narrow the range of policy choices available to the government of a state or to private, nongovernmental entities (persons, groups, corporations) within the state. (idem: 133).

This definition of security threat does not allow, from a theoretical point of view, the inclusion of hypothetical activities of terrorist groups (which are not precisely identifiable) to the damage of an unknown number of states and for an unpredictable time frame. For this reason, the literature in this field started to use the concept of "new security threat". Therefore, the novelty consists more of those unidentifiable features of threats than of a particular quality itself. This is why the concept of "new threats" refers to those menaces which are unpredictable.

According to recent debates, a threat to security could be seen in whatever action, fact, or event perceived as potentially able to conduce negative consequences for both/either a state and/or part or the whole of its society

(Krahmann 2005). The role that perceptions play at this concern is essential. In fact, perceptions and misperceptions are amongst key issues in the field of international security (Duelfer and Dyson 2011). This definition is both wide and generic enough to include also new kinds of threats to international and national security. However, most new threats, such as transnational crime, terrorist groups and infectious diseases, already existed as envisaged problems and phenomena in international security in the past.

This makes more clear why the relevant novelty, then, consists in the unidentifiable extension they reach. That is, “new threats” can be characterized by unpredictability in terms of:

- 1) Occurrence;
- 2) Places and agents involved; and
- 3) Duration.

They implicate perceptions of insecurity concerning an extended number of states perceiving common menaces. This type of threat can affect societies in unexpected ways and so-called ‘enemies’ can include external actors as well as actors internal to national domains (Brooks 2011). For these reasons, the counteractions undertaken include, alongside common and classic responses, additional initiatives which are completely new in the international relations field, both in terms of actors engaged and frameworks used.

Lacking of the substance of which those criteria of common security threats consist, statelessness could only develop as a new security threat. Though statelessness entails unpredictability in terms of occurrence, duration and place and agents involved, these characteristics alone do not explain the emergence of statelessness within the category of new security threats either. Whether there is not any assumption of damage to states and their inhabitants, indeed, it is irrelevant to consider any security dilemma. Therefore, the right question should be: why and how can stateless, vulnerable individuals become a menace for states and their inhabitants?

The reply finds valid support in a report which appeared in 2005 (Koser 2005) on irregular migration. In fact, stateless individuals, because of the lack of documents indispensable to issue a visa, cannot cross borders through authorized channels. However, as both the practice and the Convention on Statelessness revealed, in any case these two conditions do not overlap. Therefore, the majority of stateless people, whether they cross borders, they are forced to do that in unauthorized ways. This very often creates overlaps between the category of statelessness with that of irregular migrants. As

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Khalid Koser illustrates in his report, this poses a dilemma regarding a corollary right of the principle of state sovereignty: the control of borders (Koser 2005). However, the limited numbers of irregular migrants “represents a fairly small proportion of total migrants” (Koser 2005: 11). This does not justify to consider it as a major concern at very high level, and more generally it is not a problem of such proportions to endanger the state’s right to regulate the entry to its territory.

As Koser reports, there are several other misperceptions concerning irregular migration, such as the spread of infectious diseases and/or its association with increased criminal activities, which are gross generalizations, too often reproduced in media discourse (Koser 2005: 10). None of them should conduce states and policymakers to shift from considering statelessness as a question of human security to including it among new security threats.

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Yet, statelessness is a key question of security. The concept of human security has arisen in the field of International Relations, and mainly in the area of international security, as the core of a new perspective in which the main focus of the lenses of security is on the human beings (King and Murray 2001; Inglehart and Norris 2012).

Statelessness can arise as a matter of human security, because, due to the extremely vulnerable situations in which stateless individuals find themselves, they easily suffer abuses from several sources. It is possible to identify three main sources of exploitation: economic, political, and criminal.

Economic exploitation takes place when stateless individuals who need to leave a country without documents, use the service of smugglers to move across borders, paying relatively high amounts of money for dangerous and often inhuman travels (Triandafyllidou and Maroukis 2012).

They are exploited politically when populist and extremist parties in countries of destination criminalize the phenomenon to channel discontent of individuals and groups through xenophobic discourse towards this vulnerable category (Ruzza and 2009).

They suffer criminal exploitation when, because of their vulnerabilities, they become victims of human trafficking, where the level of abuse is such to be compared with the slave trade (O’Neill 2000; Ryf 2004).

This report has so far presented the recent increase in interest of the UNSC in the question of statelessness. However, it is crucial to establish the form this takes. As has been presented, there are two possibilities. First, statelessness can be seen within the context of the “new threats to security” debate, as a matter primarily of international and national security arising in a new way.

Second, statelessness can be located instead within the case studies surrounding human security. Establishing which of these is being used, or indeed if it is a combination of the two, will enable recommendations for international policy in this area to either fit within the frame of discourse that has been set, or to challenge that framing.

## Evidence

In order to understand the conceptual frame within which the topic of statelessness is embedded in the UNSC, a useful scientific tool is a discourse analysis of the official documents in which this issue appears. The discourse analysis aims at identifying core concepts to which statelessness is connected and discourses which surrounds the theme.

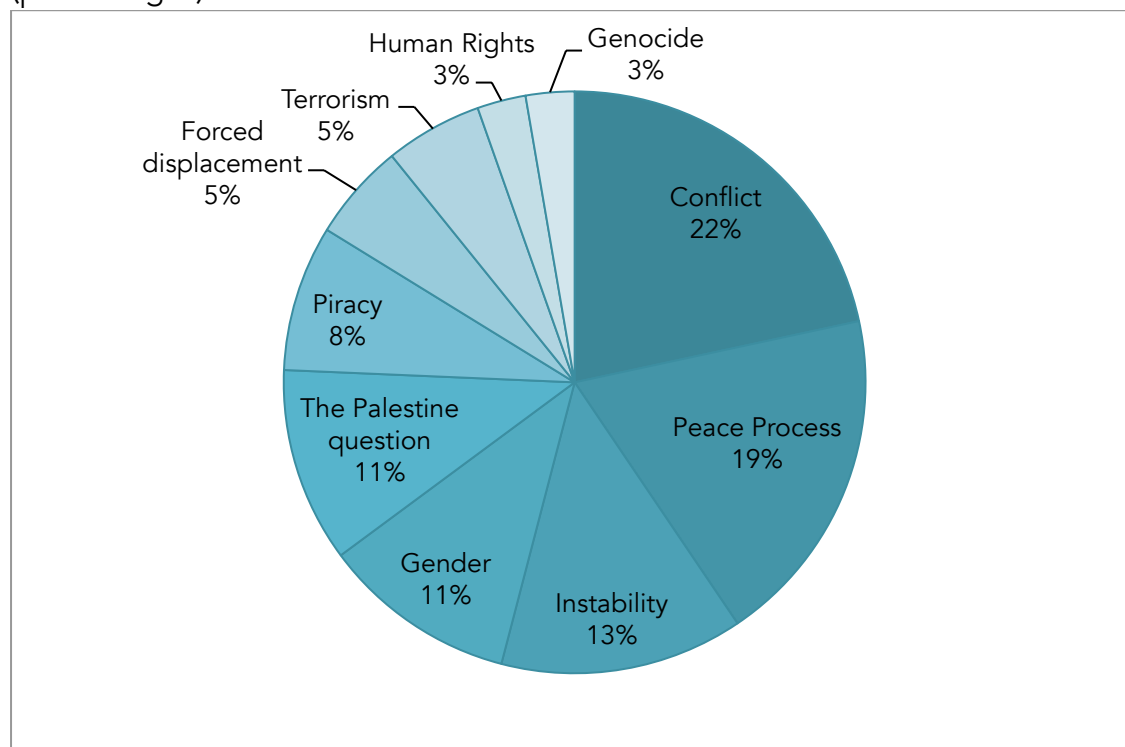
The first useful information emerging from the analysis is that there are three kinds of circumstances in which statelessness is taken into account:

- 1) For specific country cases, where conflicts between states can create statelessness.
- 2) The Palestine question, as the representative of the Palestine Permanent Observer points at the suffering of the Palestine people and their statelessness condition; and
- 3) Reports of International Governmental Organizations, their bodies and agencies, like the Organization for Security and Cooperation in Europe (OSCE) or UNCHR, addressing the issue.

The second finding of note concerns the other questions mostly connected to the theme. As Figure 3 shows, there are ten key themes associated with the notion of 'statelessness' in the documents of the UNSC. In 22% of cases, the matter most commonly connected to discussions of statelessness in the documents of the UNSC is that of 'conflict'. 'Peace process' (19%) and 'instability' (13%) follow as the second and the third most relevant theme associated with statelessness. These three together cover the most of the cases. Gender, the Palestine question and piracy constitute a further third part of the cases. The last one fifth represents cases in which statelessness is overtly connected with issues of forced displacement and terrorism (at 5% each) and human rights and genocide (at only 3% each).

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Figure 3: Topics associated with the question of 'statelessness' in the documents of the UN Security Council over the period 2000 to 2013 (percentages).



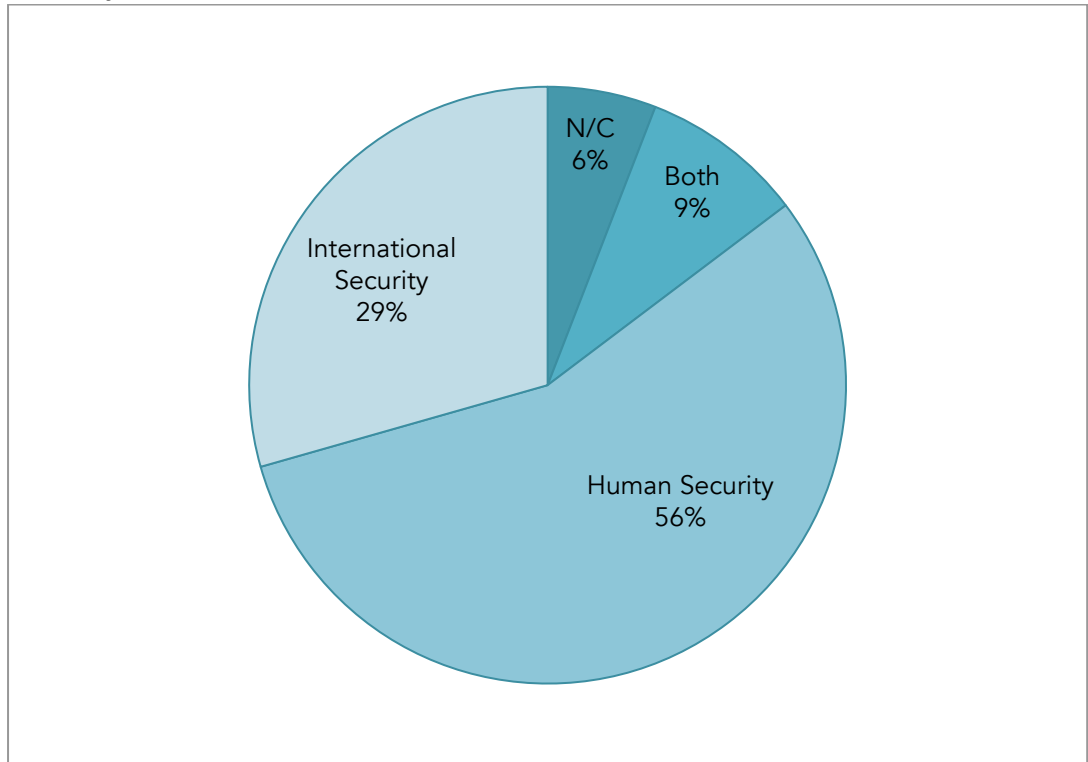
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In order to understand whether statelessness is treated as a matter of international security or of human security, the discourses were analyzed in terms of objectives and purposes expressed in the documents. On this basis, it can be seen that, in most of them, the main objective of the UNSC was to protect vulnerable people, pushing states facing political instabilities or conflict situations to solve the crisis and move towards a peace process. As Figure 4 illustrates, in almost the 30% of cases, statelessness achieves attention in the UNSC because of the possible menace that statelessness could represent for international security. In 9% of the documents, the two conceptual frames are both considered and none of them is prevalent, while in a 6% of the cases, it is not possible to establish in which frame the discussion of statelessness is located.

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<sup>7</sup> This data is collected by a content analysis on the documents of the UN Security Council available via the UN online repository over the period from 2000 to 2013 and is correct as of 8<sup>th</sup> November 2013.

Figure 4: Conceptual frames surrounding the question of statelessness in the Security Council



A third important finding emerges from the discourse analysis. From 2000 to 2013, it is possible to distinguish three phases: before 2004, when the question has been faced mainly in connection with the conflict situation of Somalia. On 4 January 2002, it has been addressed as a question entailed by the problem of terrorism, but without explaining why or in which sense and direction. That is, whether the suggestion is that statelessness could engender or enable terrorism, or whether the concern is more that terrorism could generate further situations of statelessness. Though nothing explicit is said in the documents from this meeting in this regard, one can presume that, logically, it is the first of the above suggested interpretations, as it is unclear how terrorism could create more situations of statelessness *per se*. However, the reasons for this are not overtly clarified.

The second observable phase in the discussion runs from 2004 to 2007, in which statelessness was only ever mentioned relative to a question of international security. In particular, this relates to situations of instability in places like Timor Leste, Ivory Coast or Somalia. It is recognized that conflicts lead to situations in which persons become stateless and the consequent

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problem of identification worries states, due to the difficulties that this poses to the process of identification of people and the consequent concern for national security.

Lastly, a third phase is identified starting in 2008, when the question of statelessness is addressed in the UNSC particularly following the inputs of International Governmental Organizations (IGOs). Clearly, in these occasions statelessness has always been framed within the area of human security. Interestingly, this happens when the UNHCR starts to play a major role in the UN in the formulation of documents and discourses on stateless people. After 2008, on only five occasions, and mainly when related to instability or conflict situations, individuals' statelessness returns to be a concern of national and international security.

## Conclusions and Recommendations

This report has examined the documents of the four UN Bodies addressing questions of statelessness. Of these, the UNGA and UNHRC have most used the notion of 'statelessness' in their documents, but most interesting is the way in which the UNSC has responded. Indeed, an understanding of the manner in which UNSC has adopted discourse on statelessness is crucial to illustrate how the notion of 'statelessness' is framed in terms of security, and this has formed the main part of the analysis of this report. This report argues that there are two ways in which to understand security here. The first is within the literature on "new threats to security". The second is as a question of human security. As illustrated, the approach of the UNSC has undergone three phases:

- 1) Security and terrorism: 2000 – 2004
- 2) National security and international security: 2004 – 2007
- 3) Human security (and national and international security) 2008 – 2013

On this basis, this report makes four specific recommendations for international and national policy in this area:

- 1) The UNSC should ensure that statelessness is identified primarily as a matter of human security and not as a security threat.
- 2) The UNSC needs to continue the process begun in 2013 of the integration of other international organizations in its discussion of



statelessness, to enable an increasingly joined-up approach in this area.

- 3) The First Global Forum on Statelessness in 2014 needs to take into account the framing that has been taking place in these UN Bodies in order to appropriately situate any guidelines arising within this policy context, and ensure that they are more likely to be successfully implemented.
- 4) Policy-makers at all levels should both ensure that a fair media discourse develops around this delicate topic and blame overtly its demonization by any party.

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Appendix

Discourse analysis of UNSC documents related to statelessness (2000-2013).  
Human Security (HS) vs. International Security (IS)

HS/IS	N.	Year	Date	Agenda Issue	Related concept(s) – first order	Related concept(s) – second order	Related concept(s) – third order
HS	1	2000	29-Jun	The situation in Somalia	Conflict		
HS	2	2000	19-Dec	The situation in Somalia	Conflict		
HS	3	2001	12-Jan	Ethiopia and Eritrea	Forced displacement	Conflict	Collaboration with NGOs
HS-IS	4	2002	11-Mar	The situation in Somalia	Conflict	Those who benefit of statelessness	
Non-identifiable	5	2002	4-Jan	Counterterrorism			
HS	6	2003	23-Jun	Ethiopia and Eritrea	Conflict	Protection from statelessness	
HS-IS	7	2004	19-Nov	The situation in Somalia	Conflict	Devastating effects at local, national and international level	
IS	8	2004	18-Nov	The situation in Sudan	Instability	Insecurity	
Non-identifiable	9	2004	17-Dec	The UN mission in Liberia	Convention on the reduction of statelessness		
IS	10	2006	15-May	UN Office in Timor-Leste	Instability	Convention	
IS	11	2006	20-Apr	UN Office in Timor-Leste	Instability	Convention	
IS	12	2007	14-May	UN Operation in Côte d'Ivoire	Instability	Training identification in	

Human security or international security?

IS	13	2007	20-Apr	The situation in Somalia	Instability	process	
				Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process		Assistance on statelessness	
HS	15	2008	10-Jul	The situation in the Middle East, including the Palestinian question	Peace process		
HS	14	2008	18-Dec		Palestine		
HS	16	2009	8-Jan	Briefing by the United Nations High Commissioner for Refugees (UNHCR)	Forced displacement	Quantification of stateless people	Differences between statelessness and refugee status
				Report of the Special Adviser of the Secretary-General on the Prevention of Genocide on his mission to the Great Lakes region from 22 November to 5 December 2008 with respect to the situation in North Kivu			
HS	17	2009	19-Mar		Genocide		
HS	18	2009	11-May	The situation in the Middle East, including the Palestinian question	Palestinians' statelessness	Peace	
HS	19	2009	14-Oct	The situation in the Middle East, including the Palestinian question	The Palestine representative: Palestinians'	The Palestine representative: Israel's impunity	







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