

CONFERENCE

STATELESSNESS AND TRANSCONTINENTAL MIGRATION

24th - 25th July 2014



UNITED NATIONS
UNIVERSITY

UNU-GCM

Institute on Globalization,
Culture and Mobility

This conference 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 conference analyses 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 conference seeks to articulate and address urgent needs with regard to the stateless migrants who have entered Europe.

KEYNOTE SPEAKERS

Professor **Eduard Sagarra i Trias**, 'The Necessity of Immigration in the Globalized World', President of the United Nations Association of Spain (ANUE), Barcelona / University of Barcelona

Professor **Khadija Elmadmad**, 'Statelessness and Migration: The Case of de facto and de jure stateless children in Morocco', Director of The UNESCO Centre, The Law and Migration (CUDM), Rabat

THEMATIC AREAS

1. Noncitizenship and statelessness
2. Statelessness: a question of human or of international security?
3. Transcontinental migration and urban vulnerabilities
4. Transcontinental Movers and Stayers: Sub-Saharan migration decisions and changing conditions in the Mediterranean

PROGRAMME

- Conference schedule **8**
- Summaries of thematic areas **18**
- Alphabetical list of contributors
with abstracts and short biographies **22**
- List of participating institutions **56**

FOR YOUR INFORMATION

UNU-GCM is pleased to welcome you to this conference on Statelessness and Transcontinental Migration. All participants should be aware that:

- » Filming and photography will be taking place during the event. The photographs and videos produced may be used in the public dissemination of the work of **UNU-GCM**.
- » This is an academic conference. As such, the opinions expressed and discussions arising represent personal opinions and not those of **UNU-GCM**. **UNU-GCM** asks that all contributions be substantiated by research findings.

CONFERENCE SCHEDULE

24TH JULY

- 10:00 Official Opening
- 10:15 Keynote Presentation 1
- 11:00 Coffee Break
- 11:25 Parallel Sessions 1
- 13:00 Group Photograph
- 13:15 Lunch at Casa Convalescencia
- 15:30 Parallel Sessions 2
- 17:00 Coffee Break
- 17:15 Launch of the Statelessness.tv website
- 18:00 Coach to Tasneem Gallery
- 18:30 Presentation by Visual Artist
- 18:45 Reception at Tasneem Gallery

25TH JULY

- 10:00 Keynote Presentation 2
- 11:00 Coffee Break
- 11:30 Parallel Sessions 3
- 13:30 Lunch at Casa Convalescencia
- 15:30 Session 4
- 17:00 Coffee Break
- 17:15 European Premier Screening of 'Documented'
- 18:45 Discussion on Undocumented Migration
- 19:30 Tour of Sant Pau
- 20:00 End of Conference

24TH JULY**OFFICIAL OPENING****10:00****HAMMARSKJÖLD
ROOM****WELCOME**

Prof. Dr. Parvati Nair, Founding Director of the United Nations University Institute on Globalization, Culture and Mobility (UNU-GCM)

OPENING ADDRESSES

Ms. Anna Terrón Cusí, Chair Advisory Board of UNU-GCM, Special Representative of the Secretariat of the Union for the Mediterranean and Special Advisor to Commissioner Cecilia Malmström on migration issues.

Mr. Manuel Manonelles, Director General for Multilateral and European Affairs, Generalitat of Catalunya.

**KEYNOTE
PRESENTATION 1****10:15****HAMMARSKJÖLD
ROOM**

'The Necessity of Immigration in the Globalized World', Eduard Sagarra i Trias, United Nations Association of Spain

Chair: Parvati Nair, UNU-GCM**COFFEE BREAK****11:00**

The Hammarskjöld Room is the large room found on the mezzanine level of the UNU-GCM office space.

The Thant Room is the round room found to the right as you enter the UNU-GCM office space.

The Official Opening will be held in the Hammarskjöld Room.

THANT ROOM**Thematic Area 2: Statelessness: a Question of Human or of International Security?**

Panel 1: Statelessness as a concern for both human and international security

Chair: Livia García Faroldi, UNU-GCM / University of Málaga

- » The Structural Impact of Statelessness and the Road Ahead, *Brad K. Blitz, School of Law, Middlesex University (UK)*
- » Children Out of Place: Turkish "Street Kids" and De Facto Statelessness in North Cyprus, *Lindsey Kingston, Institute for Human Rights & Humanitarian Studies, Webster University (USA), Umut Ozkaleli, Cyprus International University (Cyprus) and Omur Yilmaz, Eastern Mediterranean University (Turkey)*
- » Statelessness: NGOs supporting the Most Vulnerable on the Fields of Security, *Valeria Bello, UNU-GCM (Spain)*

**GROUP
PHOTOGRAPH****13:00****LUNCH AT CASA
CONVALESCENCIA****13:15****PARALLEL
SESSIONS 1****11:25****HAMMARSKJÖLD
ROOM****Thematic Area 1:
Noncitizenship and
Statelessness**

Panel 1: Exploring the meaning of noncitizenship and statelessness

Chair: Tendayi Bloom, UNU-GCM

- » Beyond Reason: The Philosophy and Politics of Membership, *Phillip Cole, the University of the West of England, Bristol (UK)*
- » Less is More: Membership without Citizenship, *Costica Dumbrava, Maastricht University (Netherlands)*
- » The Rights of Irregular Migrants: what Value in the Fiduciary Theory of State Obligation?, *David Passarelli, UNU and University of Oxford (UK)*

PARALLEL SESSIONS 2

15:30

HAMMARSKJÖLD ROOM

Thematic Area 1: Noncitizenship and Statelessness

Panel 2: Exploring the legal implications of noncitizenship and statelessness

Chair: Megha Amrith, UNU-GCM

- » Statelessness Determination Procedure in Spain: The Case of Stateless Saharawis, *Valeriia Cherednichenko, Charles III University of Madrid (Spain)*
- » Law and Practice regarding Stateless Persons in the Netherlands, *Katja Swider, University of Amsterdam (Netherlands)*
- » The Europeanization of Forced Migration Management and Human Rights: Externalization of the International Protection; Privatization of Controls; and Extraterritorial Jurisdiction of States, *Silvia Morgades Gil, Universitat Pompeu Fabra, Barcelona (Spain)*

THANT ROOM

Thematic Area 2: Statelessness: a Question of Human or of International Security?

Panel 2: The role of non-state actors in protecting the human security of stateless persons

Chair: Valeria Bello, UNU-GCM

- » Statelessness Vulnerabilities: Non-institutional and Irregular Channels to Cross the Borders, *Simone Lalli, Fundación ACSAR, Barcelona (Spain)*
- » The Human Insecurity of Stateless Rohingya, *Amal de Chickera, Equal Rights Trust (UK)*
- » The Migrants' Files: Surveying Migrants' Deaths at Europe's Door, *Katerina Stauroula, The Migrants' Files Project (Europe)*

COFFEE BREAK

17:00

COACH TO TASNEEM GALLERY

18:00

Transfer by coach to Tasneem Gallery
C/ Castellnou, 51, Barcelona

PRESENTATION BY VISUAL ARTIST

18:30

A talk titled 'Disposable People', with an exhibition of photographs on statelessness in the Palestinian context, by John Halaka, Visual Artist, Documentary Filmmaker and Professor of Visual Arts at the University of San Diego, USA

RECEPTION AT TASNEEM GALLERY

18:45

LAUNCH OF STATELESSNESS.TV WEBSITE

17:15

HAMMARSKJÖLD ROOM

Vicens Casassas, Multidisciplinary Artist and Urgell Funollet, Cultural Project Manager

Chair: Valeria Bello, UNU-GCM

25TH JULY

KEYNOTE PRESENTATION 2

10:00

HAMMARSKJÖLD ROOM

**'Statelessness and Migration:
The Case of de facto and de jure
Stateless Children in Morocco',
Khadija Elmadmad, Director of
UNESCO Centre 'The Law and
Migration', Rabat, Morocco**

Chair: Parvati Nair, UNU-GCM

COFFEE BREAK

11:00

PARALLEL SESSIONS 3

11:30

HAMMARSKJÖLD ROOM

**Thematic Area 3:
Transcontinental Migration and
Urban Vulnerabilities**

**Chair: John Halaka, University of San
Diego**

- » Urban Marginality and Migrants' Affective Ties, *Megha Amrith, UNU-GCM, Barcelona (Spain)*
- » Re-making Lives between the City and the World: Urban Citizenship and the Question of Refugees, *Romola Sanyal, London School of Economics (UK)*
- » Contested 'Orientalisation': Acts of Resistance and Dignity for a Criminalized Community, *Iker Barbero, University of the Basque Country, Biscay (Spain)*
- » The Making of a Just City: Migration, Informality and Citizenship in Buenos Aires, *Tanja Bastia, University of Manchester (UK)*

THANT ROOM

**Thematic Area 4:
Transcontinental Movers
and Stayers: Sub-Saharan
Migration Decisions and
Changing Conditions in the
Mediterranean**

Panel 1: Initial decision-making

Chair: Tendayi Bloom, UNU-GCM

- » Migration and Insecurity in the Horn of Africa, *Belachew Gebrewold, University of Innsbruck (Austria)*
- » Contested Views of the Causes of Migration among Pastoralists in Peri-urban and Urban Centres of Niger, *Julie Snorek, UNU-EHS, Bonn (Germany)*
- » Autonomy in Times of War? The Impact of the Libyan Crisis on Migratory Decisions, *Delf Rothe, Helmut Schmidt University, Hamburg and Mariam Salehi, Helmut Schmidt University, Hamburg (Germany)*

LUNCH AT CASA CONVALESCENCIA

13:30

SESSION 4

15:30

HAMMARSKJÖLD ROOM

Thematic Area 4:
Transcontinental Movers
and Stayers: Sub-Saharan
Migration Decisions and
Changing Conditions in the
Mediterranean

Panel 2: Revising decisions

Chair: Belachew Gebrewold,
University of Innsbruck

- » Delegated Migration Control in the Mediterranean and Migration from Sub-Saharan Countries: How Hidden Measures Affect Migration Decisions, *Tendayi Bloom, UNU-GCM, Barcelona (Spain)*.
- » Return from the Middle East: Ethiopian Returnees Perspectives on their Migration Experience, *Katie Kuschminder and Melissa Siegel, UNU-MERIT (Netherlands)*
- » Sub-Saharan Scrap Metal Collectors in Barcelona and the Spanish Economic Downturn, *Sophie Ramlov Barclay, Autonomous University of Barcelona (Spain) and Ann Laudati, University of Bristol (UK)*
- » Reflections of a Ghanaian Migrant in Barcelona, *Rashid Abubakar Iddrisu, CEHDA, Barcelona (Spain)*

THANT ROOM

Free session

EUROPEAN PREMIER SCREENING OF 'DOCUMENTED'

17:15

HAMMARSKJÖLD ROOM

The Film, *Documented*, a film by an Undocumented American, reflects on the story of José Antonio Vargas. Already a Pulitzer Prize-winning journalist, Vargas' public revelation in 2011 that he is an undocumented immigrant caused strong reactions across America. UNU-GCM will be screening the film for the first time to a public audience in Europe.

Chair: Tendayi Bloom, UNU-GCM

DISCUSSION ON UNDOCUMENTED MIGRATION

18:45

HAMMARSKJÖLD ROOM

Talk by Shahram Khosravi on his book, *"Illegal" Traveller, an Auto-Ethnography of Borders* (Palgrave MacMillan 2011)

Chair: Parvati Nair, UNU-GCM

TOUR OF SANT PAU

19:30

END OF CONFERENCE

20:00

THEMATIC AREA 1: NONCITIZENSHIP AND STATELESSNESS

Section Organiser:
Tendayi Bloom, UNU-GCM

The new discourse on noncitizenship has been emerging since around 2011. This panel, for the first time, examines the situation of noncitizenship by considering its most extreme form, that of statelessness. While noncitizenship refers to lack of membership in the place where one is, stateless persons are in the noncitizenship relation with every state.

Papers in this section address such questions as:

- » What is/should be the relation of a state to stateless persons?
- » How relevant are the Statelessness Conventions to the reality of statelessness?
- » What are/should be the differences in the relationship between a state and stateless persons in its borders and between a state and noncitizens within its borders?
- » Does/should a state have a relationship with stateless persons or noncitizens abroad?
- » What do theorisations of statelessness mean for the noncitizenship discourse?

THEMATIC AREA 2: STATELESSNESS: A QUESTION OF HUMAN OR OF INTERNATIONAL SECURITY?

Section Organiser:
Valeria Bello, UNU-GCM

Statelessness is a particularly vulnerable condition in which individuals and groups 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.

On one side, such vulnerable persons must use non-institutional and/or irregular channels to cross borders due to their condition and this threatens the right of the state to control the entry in its territory. On the other, stateless individuals and groups are extremely defenseless and, for this very reason, they easily become victims of organized crime(s) and are exposed to several sources of political, economic and social vulnerabilities (Koser 2005).

Within the conference programme "Statelessness and Transcontinental Migration" the thematic area on "Statelessness: a question of human or of international security?" includes papers discussing either theoretically or empirically whether statelessness emerges/is addressed as, or threaten issues of either human or international security.

THEMATIC AREA 3: TRANSCONTINENTAL MIGRATION AND URBAN VULNERABILITIES

Section Organiser:
Megha Amrith, UNU-GCM

It has been widely acknowledged that examining migrant experiences in cities is crucial, given the sheer diversity and large numbers of migrants who converge in urban spaces across the world. Cities provide opportunities for the inclusion of migrants, economically, socially and culturally. Yet the intensity of urban life can also accentuate forms of exclusion and vulnerability. How are these vulnerabilities expressed and addressed in different kinds of cities? How might city governments, activists and migrants themselves challenge these experiences and characterizations of marginality? This panel focuses on the relationship between transcontinental migration and cities, in a range of contexts in the Global North and the Global South. Papers consider economic migrants, refugees or asylum seekers, addressing the following themes:

- » The role of institutions at national and municipal levels in addressing the marginality of urban migrants.
- » The role of non-governmental organizations and activists in addressing the challenges faced by urban migrants.
- » Migrants' everyday social relations and their agency in overcoming experiences of vulnerability.
- » Representations of urban migrants in visual culture and in the media.

THEMATIC AREA 4: TRANSCONTINENTAL MOVERS AND STAYERS: SUB-SAHARAN MIGRATION DECISIONS AND CHANGING CONDITIONS IN THE MEDITERRANEAN

Section Organiser:
Tendayi Bloom, UNU-GCM

This thematic area considers how changing conditions in the Mediterranean region has affected migration decisions of those coming from Sub-Saharan Africa. The European economic downturn started, arguably, in around 2008, with EuroGroup and IMF bailouts offered to Greek banks in 2010 and 2011 and to Spanish banks in 2012. Unemployment and poverty have risen significantly across the Northern Mediterranean since this time, with unemployment in Spain reaching 27% of the active population in 2013. Meanwhile, on the Southern shores of the Mediterranean, 2010 saw the beginning of protests in Tunisia and Algeria, 2011 saw more protests in Egypt, Morocco and Libya, including regime change in some cases. In the Eastern Mediterranean, unrest in Syria also started around that time and has become increasingly violent to this day.

The Northern African countries have acted as a buffer zone between the Sub-Saharan African migrants trying to cross into the European states. During the Gaddafi era, individual EU states such as Italy as well as the EU as such had strong relations with the Libyan leadership not only as regards with oil importation from Libya but also to keep out African migrants from the European territory. This led many Sub-Saharan migrants to be trapped in Libyan prisons already before regime change and then to be stranded in encampments afterwards. There are several contested sites across the region particularly affecting migrants of Sub-Saharan origin, including, for example, Spanish Territories, Ceuta and Melilla and the Tunisian camp of Chouchan. The changes in government in the Southern Mediterranean has put Northern Mediterranean States under renewed migration pressures from Sub-Saharan Africa. This panel brings together theorists examining how recent developments have affected individual migration decision-making, and so the migration patterns, of those migrants originating from Sub-Saharan Africa. It examines whether migration decisions made by persons from Sub-Saharan Africa have been affected by these changing conditions in the Mediterranean and if so, how. It forms part of an ongoing project in this area, driven by UNU-GCM, entitled *Movers and Stayers*.

ALPHABETICAL LIST OF CONTRIBUTORS WITH ABSTRACTS AND SHORT BIOGRAPHIES

Megha Amrith

Urban Marginality and Migrants' Affective Ties, Megha Amrith, UNU-GCM, Barcelona (Spain)

As the relationship between migration and cities becomes increasingly relevant, it is important to reflect upon cities as lived spaces of mobility. In the context of neo-liberal globalization, working and living conditions become more precarious and local institutions and non-governmental organizations play a crucial role in providing support to migrants in difficult circumstances. Yet in many urban contexts, the role of institutional support is still limited. This paper will examine the on-the-ground ways through which migrants might address urban marginality. It will argue that the affective ties of everyday urban life, such as friendship, informal solidarities, and convivial encounters on a micro and neighbourhood scale, are important to building a sense of urban belonging and warrant more attention. These types of encounter - even if limited, tentative and transient at times - are also important in building foundations and networks through which migrants' citizenship claims can be articulated. The paper will draw upon selected ethnographic and filmic examples across urban contexts, taking a particular focus on the case of low-income migrants in São Paulo's inner city commercial districts (based on fieldwork conducted in 2012-2013).

Megha Amrith is a Research Fellow at the United Nations University, Institute on Globalization, Culture and Mobility. She is a social anthropologist and has thematic interests in migration, cultural diversity, citizenship, cities and migrant activism. She holds a PhD in Social Anthropology from the University of Cambridge, and conducted postdoctoral research at the Centre for Metropolitan Studies in São Paulo, a research institute with a focus on urban social inequalities. Her research has ranged from an ethnography of Filipino migrants in Singapore working in the field of care, to a study of migrant rights and urban citizenship among low-income migrants in Brazil and India. She is interested in comparative, transregional and interdisciplinary approaches to the study of migration.

Iker Barbero

Contested 'Orientalisation': acts of Resistance and Dignity for a Criminalized Community, Iker Barbero, University of the Basque Country, Biscay (UK)

This paper outlines the acts of resistance of the relatives of eleven Pakistani and Indian detainees accused of terrorism in Barcelona, Spain, in 2008. These actions were in opposition to the brutal criminalization to which the Muslim community had been subjected. Rather than considering 'orientalisation' as an exoticising strategy or prejudice, this paper demonstrates that it can be understood as an agonistic strategy of government. Acts of resistance as acts of citizenship play a very crucial role in exposing this strategy.

Since 2008, not only Muslim migrants but also non-Muslim citizens and non-citizens have mobilised to call for the release of the detainees and the restoration of the presumption of innocence. These acts turned streets, courts and prisons into sites for contesting the anti-terrorist legislation of exception. Women, youth and children, who seemingly lacked political subjectivity, burst onto the scene as political subjects claiming not only freedom and the presumption of innocence of their imprisoned family members, but also the dignity of an entire community criminalized by the dominant political and media discourses. This episode in Spain enables us to draw some broader conclusions about Muslims in Europe, orientalisation as a strategy of government and acts of resistance capable of exposing this strategy. Even as they are legally constructed as savage non-citizens incapable of integration, (Muslim) migrants, through their acts of resistance, became activist-citizens against orientalisation.

Iker Barbero is Lecturer at the Faculty of Law of the University of the Basque Country. He has been visiting scholar at the Centre for Citizenship, Identities and Governance of the Open University (2011-2013). His main contribution to the Oecumene project has been related to orientalisation of immigrants through citizenship and border regimes and its acts of resistance.

Tanja Bastia

The Making of a Just City: Migration, Informality and Citizenship in Buenos Aires, Tanja Bastia, University of Manchester (UK)

It is now well established that cities are important sites for the construction of social citizenship. However, we have little understanding about how the process of constructing urban citizenship varies *within* urban areas. Cities are highly differentiated. In this paper we focus on the city of Buenos Aires and analyse the ways in which migrants and non-migrants engage in the construction of citizenship through their everyday participation in public spaces at two scales: the informal settlements and the city level. We find significant differences in the various initiatives in which migrants participate to claim political representation and the construction of urban citizenship. At the city level, migrants as well as city authorities organise their strategies on the basis of different nationality groups, reproducing ethnic differences on the basis of nationalities of origin. On the other hand grassroots organising in informal settlements blurs the boundaries between migrants and non-migrants. We argue that current organising in the informal settlements provide greater opportunities for a politics of recognition, despite the fact that these strategies are carried out in areas of severe deprivation.

This paper draws on 18 interviews carried out in three informal settlements in the City of Buenos Aires in April and May 2013, including various grassroots organisations, migrant organisations as well as city authorities. This research was possible thanks to the generous funding of the *cities@manchester initiative*.

Tanja Bastia is Senior Lecturer at the University of Manchester. Her research focuses on transnational migration for work, particularly on the relationship between power relations, mobility and space. Previous experience includes working as a researcher at the University of Cardiff and Swansea and as a consultant for the International Labour Organisation.

She holds a PhD in Development Studies from the University of Swansea; an MA in Gender and Development from the University of Sussex and a BA (Hons) in Latin American Studies from the University of Liverpool. She has edited *Migration and Inequality* (2013, Routledge) and was guest editor of a Special Issue of *Environment and Planning A*, on Geographies of migration, geographies of justice? Feminism, intersectionality and human rights (2011). Her research has been published in *Urban Studies*; *Environment and Planning A*; *Gender, Place and Culture*; *Journal of Ethnic and Migration Studies* and *International Migration*. Personal website: <http://tanjabastia.wordpress.com/>. She is currently working on a monograph that will be published by Ashgate in 2015.

Valeria Bello

Statelessness: NGOs supporting the most Vulnerable on the fields of Security, Valeria Bello, UNU-GCM, (Spain)

Non-governmental organizations (NGOs) and civil society associations in general play a crucial role in covering the issue of statelessness, both on a grassroots and at international level. They often navigate a difficult role between journalistic intent and advocacy. Moreover, NGOs can often provide the only source of information about what is happening on a very sensitive issue: the question of statelessness and de facto stateless individuals, given their specialist knowledge of the ground-level situation. This is particularly the case of those migrants who for a variety of reasons found themselves in the condition of travelling without papers or through irregular channels. This paper examines the role of NGOs in the supporting irregular migrants and de facto stateless persons and whether their activity can possibly affect both discourses and activities in the field of security.

Valeria Bello is a Political Sociologist who has taught and published in the fields of Sociology, International Relations and Political Science. She is interested in how the dynamics of identity formation change as a consequence of globalization and mobility. Her main research interests concern the role of non-state actors in the area of both migration and interethnic relations and the fields of international relations and human security. Before joining UNU-GCM in December 2012, she worked as assistant coordinator of the Jean Monnet Centre of Excellence (2003-2009) and assistant professor at the University of Trento (Italy) from 2005 to 2009, and from September 2009 onwards, as “Marie Curie” Intra-European Research Fellow at the Institut Barcelona d’Estudis Internacionals (Spain).

She obtained her PhD in Sociology and Political Sociology in September 2007 at the University of Florence, Italy, with a thesis on “Identity Issue in the Global Age: The Political Representation of the European Union and the Process of Europeanization”, which investigates the role of collective identities on the Europeanization of Italian civil society representatives. Her current research activities cover the following themes: migration, identity and prejudice; immigrants’ integration in host societies; the role of transnational migration on the social change of homeland societies; irregular and undocumented migration.

Brad K Blitz

The Structural Impact of Statelessness and the Road Ahead, Brad K. Blitz, School of Law, Middlesex University (UK)

The presentation explores the effects of statelessness and identifies ways in which some of these may be mitigated by means of interventions including human capital investment. It discusses the findings of a 980 household survey and in-depth interviews (n=60) which sought to examine the impact that the deprivation of citizenship has on formerly stateless people in Bangladesh, Kenya, Slovenia and Sri Lanka. The study used the sustainable livelihoods framework as a model and the findings illustrate both the costs of statelessness and the benefits that citizenship brings, in particular as regards to the livelihoods, health and education of these marginalized groups. The main findings suggest that the denial and deprivation of

citizenship reduces income by 30 per cent, brings down the odds of owning property by almost 60 percent and substantially reduces human capital development including quality of health, educational levels, and also reduces personal happiness. The main conclusion of this study is that statelessness is a structural problem which may be remedied by substantial and specific developmental interventions, in addition to the reform of discriminatory nationality laws. By investing in human capital to strengthen livelihoods it is possible to reduce the gap created by past discrimination and prevent further shocks. The evidence included in this presentation will help provide a framework for targeting assistance to improve the lives of some of the 12 million stateless people worldwide.

Brad K Blitz received his Ph.D. from Stanford University and is currently Deputy Dean and Professor of International Politics at Middlesex University and Senior Fellow at the Global Migration Centre, The Graduate Institute, Geneva. He has held previous appointments at Kingston University, the University of Oxford and Oxford Brookes University where he was Jean Monnet Chair. He is widely regarded as a leading expert on post conflict transition, statelessness, migration, development and human rights. He has acted as an advisor and consultant to UNDP, UNICEF, OHCHR,

the World Bank, OSCE, Council of Europe, DFID, as well as several NGOs. In 2008 the former UN High Commissioner for Human Rights, Mary Robinson, and a panel of experts, selected his research as one of 12 projects which would guide and support the legacy of the Universal Declaration of Human Rights. Publications include *Statelessness in the European Union: Displaced, Undocumented and Unwanted*, Cambridge University Press, 2011; and *Statelessness and Citizenship: A Comparative Study on the Benefits of Nationality*, Edward Elgar Publishing, 2011. He recently completed a major study of the benefits of birth registration for Plan International and is the author of *Migration and Freedom: Mobility, Citizenship, and Exclusion*, Edward Elgar Publishing 2014.

Tendayi Bloom

Delegated Migration Control in the Mediterranean and Migration from Sub-Saharan Countries. How Hidden Measures affect Migration Decisions, *Tendayi Bloom, UNU-GCM, Barcelona (Spain)*

The increasing delegation of migration control functions to private agents is a global phenomenon with insufficient analytical or policy work undertaken to understand how it affects migration options and decision-making. This chapter examines the situation through the specific context of those leaving States in the Sub-Saharan Region for States in the Mediterranean Region. It looks at the effects of delegated controls on the way in which individuals leaving from Sub-Saharan States can decide how to move. It examines the measures in terms of how they sit within global and regional legal frameworks, as well as their political-theoretic implications. The first half of the chapter examines three

types of delegated migration control as carried out by those states in the Mediterranean Region: explicit delegation, implicit delegation, and indirect delegation. Particular concern is raised in the areas of implicit and indirect delegation, in which state policy is harder to trace, and norms are more difficult to establish. This is then developed to examine the effects upon migration decision-making by those who are required either to use these measures or circumvent them, particularly those leaving from States in the Sub-Saharan Region. Emphasis in this area is usually placed upon the implications for the most vulnerable migrants. While this is a crucial concern and will also form the focus of this chapter, implications for other migrants and movers will also be discussed.

Tendayi Bloom is a political theorist who has taught and published in the fields of Political Theory, Ethics, and Politics. She is interested in the nature of non-citizenship, and how existing systems can be used to improve rights-acquisition for non-citizens. Methodologically, she is interested in using a multidisciplinary approach to uncover new perspectives on existing debates, and to bring together concerns from the field and from activists with academia. In this, she is supported by experience working directly with a range of migration stakeholders in a range of contexts. She is also interested in the use of internet technologies to open debate to wider audiences, and between a wider range of stakeholders, and ways in which such technologies can support rights-acquisition for non-citizens.

Vicens Casassas

Launch of the *Statelessness.tv* website

Visual artist, Vicens Casassas and cultural project manager, Urgell Funollet, will launch the website that they have created on behalf of UNU-GCM. The website represents the result of a collaboration between UNU-GCM researchers and the project leaders around the subject of statelessness, as well as extensive work carried out by Casassas and Funollet examining statelessness in Catalonia. It is part of an ongoing project of engagement of UNU-GCM with creative arts in order to ensure a greater reach of research work and to develop debates more widely.

Vicens Casassas is a multidisciplinary Visual Artist. Bachelor of Fine Arts in 1993 and MFA-Art in the Digital Era in 2005 from the University of Barcelona. His research covers social and political themes. His Artwork has been exhibited nationally and internationally.
www.vicenscasassas.com

Valeriia Cherednichenko

Statelessness Determination Procedure in Spain: The Case of Stateless Saharawis, *Valeriia Cherednichenko, Charles III University of Madrid (Spain)*

To say that both Statelessness Conventions are relevant for today's statelessness situations is not to say anything. Despite the fact that they were drafted 50-60 years ago, I believe their real value is really

starting to be appreciated only now. As the Summary Conclusions of the Expert Meeting on Statelessness Determination Procedures and the Status of Stateless Persons 2010 provide: "The 1954 Convention relating to the Status of Stateless Persons establishes a standard of treatment which can only be applied by a State party if it knows who the recipients of this treatment should be. As such, it is implicit in the 1954 Convention that States parties identify who qualifies as a stateless person under Article 1 of the Convention for the purpose of affording them the standard of treatment set forth in the Convention." Hence, it is of utmost important for the states to first identify stateless persons in their territories in order to be able to find effective solution to their problem.

Currently, there is only a handful of states who have a statelessness determination procedure in place. Among them, Spain together with Hungary was one of the first countries to introduce a statelessness determination procedure in Europe and in the world by having legislated formal procedures to this end. In Spain, the spearhead of the mentioned legislation is the Organic Law 4/2000 on the rights and freedoms of foreigners in Spain and their social integration. Article 34 of this Law states that: "The Minister of Internal Affairs shall grant the statelessness status to those foreigners who will prove absence of nationality and who shall meet the requirements of the 1954 Convention, issuing them with documentation provided for in Article 27 of mentioned Convention".

The previous provision leads us to the Royal Decree 865/2001 approving the Regulation of recognition of the statelessness status, where besides specifying the procedure that an individual should follow in order to be recognised as stateless in Spain, also confirms the possibility of application of the asylum regime to a legally recognised stateless person when there is at least one reason according to which such protection shall be granted.

The majority of the applications for the statelessness status in Spain come from applicants of Western Saharan origin, or Sahrawis. However, this issue does not get as much attention as it deserves from the Spanish authorities or wider society, leaving them without benefits of recognition as stateless. This stands in contradiction with the Spanish Supreme Court's jurisprudence in recent years, which has granted the status of statelessness to a considerable number of these applicants. In this regard, the Supreme Court case law has considered three distinct questions when dealing with cases of statelessness from applicants of Saharan origin depending on the specific background of these applicants.

In my research I am analysing the statelessness determination procedure in Spain and the level of enjoyment of human rights provided thereto, as well as the current case law on this issue. Also, some observations will be made on the positive/negative elements of the Spanish example to be used/avoided in other countries who would like to introduce a statelessness determination procedure.

Valeriia Cherednichenko is a PhD Researcher in Advanced Studies in Human Rights at Charles III University of Madrid

(Spain); also currently working as a Consultant/Legal Officer on Statelessness in Europe for UNHCR Bureau for Europe. She holds a Bachelor degree in International Law, a Master degree in International Law and English Translation, both from the Institute of International Relations of Taras Shevchenko National University of Kyiv, Ukraine and an LLM in International and European Public Law: Human Rights from Tilburg University, the Netherlands. She has previously dealt with issues of nationality and statelessness during her internships at the Statelessness Programme in Tilburg and UNHCR Spain. She is also a member of the European Network on statelessness (see my post on ENS blog: <http://www.statelessness.eu/blog/ray-hope-stateless-sahrawis-spain-1>).

Areas of research and interest include: human rights and nationality, statelessness in the Middle East and North Africa, statelessness in Ukraine, Dominican Republic. She is now focusing on statelessness determination procedure in Spain in the context of her PhD research and on statelessness in Europe in the context of her new position.

Phillip Cole

Beyond Reason: The Philosophy and Politics of Membership, Phillip Cole, the University of the West of England, Bristol (UK)

In this paper I critically address the role of arbitrary and contingent features in philosophical debates about citizenship and membership of states. In many approaches to these questions certain elements of political thought are taken as given, as

Amal de Chickera

The Human Insecurity of Stateless Rohingya, Amal de Chickera, Equal Rights Trust (UK)

essential starting points or indispensable building blocks, and as such they cannot be exposed to rational criticism. Political arrangements such as national borders, nation-states and national identities constitute these building blocks, and justify coercive borders in order to sustain them, even though that requires that people who are our moral equals are excluded from membership, even at the cost of statelessness - there can be no right to membership of a particular state or membership as such in the face of the value of these features of political life. I examine theorists who take this kind of approach to the ethics of membership: Michael Blake, Samuel Scheffler and David Miller. I argue that such approaches ask us to balance arbitrary and contingent features of the political world against the non-contingent moral equality of the 'outsider'. If we are to recognize the non-member as an equal reason-giver in the moral contestation of borders, then we are compelled to theorize beyond these limits, and to theorize instead about a global community of equals, a post-national world made up of transnational belonging. This has radical implications for the politics and practice of membership.

Phillip Cole is a Visiting Professor in Applied Philosophy in the Social Ethics Research Group at the University of South Wales and Senior Lecturer in Politics and International Relations at the University of the West of England in Bristol.

Stateless and persecuted within Myanmar, stateless and refugees outside Myanmar: the Rohingya community is one of the most vulnerable in the world. Their lack of human security invokes a range of international protection mechanisms, from international human rights law, to mechanisms to protect refugees and stateless persons and even international criminal law. The insecurity that the Rohingya face stems from acute discrimination against them in Myanmar.

Their enforced statelessness, which has been one of the structural consequences of such discrimination, has since been the basis for further discrimination against them. This has also increased the vulnerability and insecurity of Rohingya in countries to which they have fled seeking refuge, from Bangladesh, Malaysia and Thailand, to India, Pakistan and Saudi Arabia. In such countries, a combination of the lack of effective protection frameworks for refugees and stateless persons and the Rohingya's lack of legal status has led to multigenerational discrimination at significant cost to their human security. While global attention has focused on the Rohingya since mass violence against them since June 2012, the history of their discrimination, exclusion and abuse stretches back many decades.

Amal de Chickera is Head of Statelessness and Nationality Project at Equal Rights Trust (London, UK). He joined ERT as a research consultant in July 2008. He

previously worked at the Law and Society Trust (Sri Lanka) as a researcher and coordinator of the Trust's Human Rights in Conflict Programme. His role included the monitoring, documentation and reporting of disappearances, abductions and killings in Sri Lanka. He has also worked as Research Officer of the (post-tsunami) Disaster Relief Monitoring Unit of the Sri Lankan Human Rights Commission. Here he conducted field and legal research, monitored post-tsunami rehabilitation and reconstruction work, investigated complaints, advised tsunami victims on their rights and was a facilitator of the island-wide post-tsunami public consultation process. Amal is a founder member of Stages, a Sri Lankan Theatre Group which addresses prevailing social issues through cutting edge theatre. He also co-founded the UCL Student Human Rights Programme, and was co-editor of the inaugural UCL Human Rights Review. A member of the Sri Lankan Bar, Amal holds an LLM (Distinction) from University College London and an LLB (Hons.) from the University of Colombo.

Costica Dumbrava

Less is More: Membership without Citizenship, Costica Dumbrava, Maastricht University (Netherlands)

Political theorists usually address normative questions about admission to citizenship from the perspective of political inclusion. On the one hand, those who put a high price on political membership tend to be watchful also with regard to admission to citizenship and thus to justify, at least indirectly, exclusionary

policies. On the other hand, those who advocate inclusion beyond or regardless of citizenship tend to overlook the political dimension of citizenship. This paper rejects the common view according to which the issue of political membership should inform all principles and policies of inclusion. Instead, it proposes a model of differentiated admission to membership that reconciles political citizenship and inclusive membership. In a world made of autonomous and coercive states framing the question of membership solely in terms political citizenship overlooks individuals' fundamental interest in having access to a status of legal recognition, i.e. to avoid becoming stateless. This paper makes the normative case for a status of legal membership derived from: (1) the systemic imperative according to which individuals have to have a membership somewhere, and (2) the normative imperative according to which states should justify coercion to those subjected to law. The paper also argues that legal membership should not be translated automatically into political membership and that this membership transition should occur only through a process of reciprocal democratic recognition. The claim is that by distinguishing between legal and political membership we can address more properly practical concerns about the allocation of scarce membership and normative concerns about the significance of political membership.

Costica Dumbrava is postdoctoral researcher at the Faculty of Arts and Social Sciences (Politics) of Maastricht University and Executive Coordinator of the Maastricht Centre for Citizenship, Migration, and Development (MACIMIDE). He has a PhD in Political and Social Science from the European University Institute. His main research interests lie in the areas of citizenship, migration, nationalism, and European integration and he is currently working on a project that investigates statelessness from a global comparative perspective. His forthcoming book is entitled "Citizenship, Nationality and Ethno-Cultural Belonging. Preferential Membership Policies in Europe" (Palgrave Macmillan, 2014).

Khadija Elmadmad

Statelessness and Migration: The Case of de facto and de jure Stateless Children in Morocco, Khadija Elmadmad, Director of the UNESCO Centre, The Law and Migration, Rabat (Morocco)

It is generally very difficult for a person to live as de jure or as de facto stateless. It is more difficult for a child to live as stateless and even much more difficult to live as a stateless migrant child. This situation results in three kinds of vulnerabilities: statelessness vulnerability, childhood vulnerability and migration vulnerability. It requires the protection of three kinds of rights: the rights of stateless persons, of children and of migrants.

A fieldwork conducted in Morocco with some Moroccan de facto stateless children and with some Sub-Saharan de jure stateless migrant children showed that, though the legal status of these two categories of children are different in theory, their needs for protection of rights are almost the same in practice. Both categories live on the margin of the society and without rights. As stateless, they are invisible both in the literature and in the actions relating to children and/or to migrants. Their rights need to be known and promoted.

This presentation will deal first with statelessness in general and with the relative invisibility of stateless people and of their rights throughout the world. It will then analyze the case of Morocco and will focus on stateless children and their rights and notably the case of the de jure Sub-Saharan stateless migrant children living in the country and their need for protection and assistance.

Khadija Elmadmad is a Law Professor and an Advocate. She is at present the Director of the UNESCO Centre "The Law and Migration" (CUDM), which is based in Rabat (www.cudm.net). She was before the Tenure of the UNESCO Chair "Migration and Human Rights", the Chair of the Rabat based Moroccan NGO "Migration and the Law" and the Coordinator of the Casablanca Law Faculty Postgraduate Programme on "Migration and the Law".
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Urgell Funollet

(for abstract, please see **Vicens Casassas**)

Urgell Funollet is a researcher and a manager of cultural cooperation projects. She holds a Bachelor Degree in Art History (2003), a Postgraduate Qualification in International Cooperation and Cultural Policies (2005) and a Master of Research Degree in Cultural Studies (2008). Since 2005 she has developed her work mainly in Senegal, the Pacific Island Region and Europe in cultural and arts strategies for development. She has also developed educational projects for development awareness with the Spanish Ministry of Foreign Affairs, UNESCO and a cultural NGO.

Livia García Faroldi

Livia García Faroldi is Associate Professor at the Department of Sociology, University of Malaga (Spain). Her research interests are the interaction between Regional, National and European identities and the

process of European integration. Her Ph.D. project (University Complutense of Madrid, 2005) focused on the diffusion of positive attitudes towards the EU and European identity through personal networks in Spain. Among her last publications are: *Construyendo Europa* (Centro de Investigaciones Sociológicas, Madrid, 2008), "International experience and National contexts: Measuring attitudes towards the EU in cross-national research" (MZES Working Papers Nr. 120, Mannheimer Zentrum für Europäische Sozialforschung, Mannheim, 2009), "Identità complesse in un'Europa plurale" (Società Mutamento Politica, 2010), "L'évolution du nationalisme andalou depuis la transition démocratique" (in *Les nationalisms dans l'Espagne contemporaine*, Armand Colin, Paris, 2012).

Belachew Gebrewold

Migration and Insecurity in the Horn of Africa, Belachew Gebrewold, University of Innsbruck (Austria)

The Horn of Africa has been experiencing various political, economic and security crises for decades. The state collapse of Somalia, the rise of Islamic fundamentalism in the whole region, recurrent drought affecting the livelihoods of subsistence farmers as well as nomads, and political repression especially in Eritrea (but not exclusively) have been driving various segments of the regional population into regional and international migration. Eritreans attempting to flee their country are being persecuted by the authority if they are caught before leaving the country or

John Halaka

Visual Arts Exhibition: Portraits of Denial & Desire

For details on John Halaka's work and biography please see the information on page 55.

Rashid Abubakar Iddrisu

Reflections of a Ghanaian Migrant in Barcelona, Rashid Abubakar Iddrisu, CEHDA, Barcelona (Spain)

Potential migrants in Sub-Saharan countries do not know much about the situation in Europe. For them, they cannot imagine that things will be difficult here. That is how I thought before I left, and it is still the way the people I meet are thinking. I arrived in Barcelona in 2001 after travelling from my village in Ghana by road, passing through Niger, Algeria, Libya and Morocco. As soon as I could, I set up my organization. To begin with, we worked to support Africans living in Barcelona. Then, I started by travelling back to Ghana and talking to people about what things are like in Spain. Then I extended my work to include migrants in North Africa. If you ask me, do the problems in Europe and in North Africa affect the people's decisions to move, I will tell you 'no, not really'. When they are making decisions, people are not thinking that there are problems in Spain, and they do not know about the problems in North Africa. They are thinking about their own situation and how to make it better. And they have an idea of Europe.

are being enslaved or tortured by certain smugglers such as in Egypt on their way to Europe. Many Somalis have been fleeing conflicts and violence in their country and heading for Europe. Many more Somalis have also migrated within the Horn of Africa such as to Ethiopia, Kenya and Djibouti as guest workers fleeing their country. The main objective of the paper is not only to describe what happens in the region as regards with migration but also to explore the causes for the intra-regional and international migration from the Horn of Africa. Moreover, the paper deals with the human security policy of the European Union in its attempt to prevent the emigration from the Horn of Africa to Europe in particular, and address the political, economic and security crises in the region in general.

Belachew Gebrewold is Senior Lecturer of International Relations, Global Governance and International Organizations at Management Center Innsbruck, University of Innsbruck and UNESCO Chair for Peace Studies/Innsbruck. His main research areas are conflicts in Africa, and Africa in international security system. His most recent publications include: *Anatomy of violence*, Ashgate 2009; *Global Security Triangle: African, Asian and European Interaction*, Routledge 2010 (ed.); *Africa and Fortress Europe*, Ashgate, 2007 (ed.).
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They are making very dangerous journeys to get here. Sometimes I meet people from Ghana in North Africa, even those who have already made unsuccessful boat crossings, preparing to cross again. They can't even think to go back. Some of them decide to stay in North Africa. The problems we encounter along the way and also in Europe change our perception about Europe, and affect us physically and mentally. I also want to emphasise the situation for the people that do not arrive in Europe due to difficulties or are deported, and the support given to them by organisations. I also want to show how African people, after many years in Europe, are unemployed and without resources and may be looking for new possibilities to survive or looking to return to our countries.

Rashid Abubakar Iddrisu finished his secondary school in Ghana, and, since arriving in Barcelona in 2001, has followed a course in socio-cultural mediation in health in Barcelona. He has worked as assistant for vulnerable and homeless African people in Barcelona and in social houses for immigrants. He has conducted staff training sessions based on the health perception of African people and about the situation of African people in the street, also delivering training on cultural diversity at the Institute of the Catalan Police Academy. Rashid Abubakar Iddrisu is the founder of the NGO CEHDA and now monitors Spanish volunteers in Ghana with CEHDA. He also works as a songwriter and has won the 2011 SGAE music contest in Madrid.
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Shahram Khosravi

The screening of the film, *Documented: a film by an undocumented American*, will be followed by a roundtable discussion featuring Shahram Khosravi, Author of *"Illegal" Traveller: An Auto-Ethnography of Borders*.

Shahram Khosravi is Associate Professor in the Department of Social Anthropology at Stockholm University. His research interests include anthropology of Iran and the Middle East, migration, human rights and forced displacement. He is the author of numerous publications, including *Illegal Traveller: an Auto-Ethnography of Borders* (Palgrave MacMillan, 2011), a book in which personal experiences are interjected into ethnographic writing and which is based on fieldwork among undocumented immigrants and asylum seekers.

Lindsey Kingston

Children Out of Place: Turkish "Street Kids" and De Facto Statelessness in North Cyprus, Lindsey Kingston, Institute for Human Rights & Humanitarian Studies, Webster University (USA), Umut Ozkaleli, Cyprus International University (Cyprus) and Omur Yilmaz, Eastern Mediterranean University (Turkey)

Thousands of Turkish children immigrate to North Cyprus with their families each year, often overstaying short-term tourist visas and facing the subsequent challenges of "illegal" migration at a young age. These children face a triple threat of human rights abuses: They are unlawful migrants with limited access to state resources and protection, their youth makes them dependent on the state and legal guardians for survival and well-being, and they live in an ambiguous borderland that is not recognized by the international community. These factors combine to create a complex and dangerous situation that leaves undocumented children without social or legal opportunities to protect their human rights. Many of these children are identified as Turkish "street children" by North Cypriots, due to their frequent time spent roaming city streets rather than attending school or being supervised by adults at home. Frequently expected to earn wages for their families or care for younger siblings, the street children are regularly denied basic entitlements – including education and freedom from violence – yet they cannot appeal to state governments to uphold the rights afforded to them under international law.

Although undocumented children in North Cyprus may formally possess legal nationality to Turkey, they are nonetheless unable to access the protections of citizenship. They are, in effect, *de facto* stateless – they "are persons outside the country of their nationality who are unable or, for valid reasons, are unwilling to avail themselves of the protection of that country" (Massey, 2010, p. 61). Unlike protections for the *de jure* stateless provided by the 1954 and 1961 Conventions, there are no legally binding regimes for the *de facto* stateless who are not refugees. Furthermore, these children are denied access to functioning citizenship, which requires "an active and mutually-beneficial relationship between the state and the individual" (Kingston, 2014, p. 127). Functioning citizenship signifies membership in a political community – one in which a citizen supports their government in various ways, in exchange for the protections and services associated with their status. Undocumented street children are unable to appeal to the Turkish government for assistance, due in part to their young age and limited resources, and are limited in North Cyprus by their illegal migration status and increasingly racist, anti-immigrant discourse. For children who face parental absence or abuse at home, this challenging human rights situation becomes even more problematic.

Using data from qualitative research conducted during the 2010-2011 school year, this article highlights the human rights challenges faced by undocumented

ed Turkish street children living in North Cyprus. In order to uncover the threats created by *de facto* statelessness and lack of functioning citizenship, this paper proceeds as follows: First, a brief overview of North Cyprus' political history outlines the core identity and migration issues at stake. Second, key human rights challenges related to unlawful status, vulnerabilities due to youth, and the inherent complexities arising from living in an ambiguous borderland are outlined. Third, study data reveals that undocumented child migrants face rights abuse related to education and labor, health and nutrition, social services and security. Finally, recommendations are provided for protecting the human rights of North Cyprus' street children and ensuring their access to functioning citizenship.

Lindsey Kingston is the director of Webster University's International Human Rights Program and an assistant professor of international human rights. Kingston teaches the core courses Introduction to

Human Rights and Senior Overview, as well as a range of human rights topics classes. She directs the undergraduate human rights program, serves as Associate Director of the Institute for Human Rights and Humanitarian Studies, and acts as faculty advisor to the student group "ONE" and the editorial team that produces the journal *Righting Wrongs*. Kingston is a topical expert on the issue of statelessness – a human rights violation in which a person does not have legal nationality to any country. Kingston's additional research interests related to indigenous rights, social movements, and global responsibility have brought her to fieldwork locations throughout the United States, Thailand, the Canadian Arctic territory of Nunavut, and East Africa.

Katie Kuschminder

**Return from the Middle East:
Ethiopian Returnees Perspectives
on their Migration Experience,
Katie Kuschminder and Melissa
Siegel, UNU-MERIT (Netherlands)**

In recent decades migration from Ethiopia to the Middle East has grown exponentially. This is largely a feminized migration flow as women migrate for domestic work. There are many challenges for migrants in the Middle East, including poor working conditions, lack of opportunities for long-term legal migration, and poor treatment from locals. Despite these conditions, the high levels of poverty and unemployment in Ethiopia drive migration to the Middle East. This chapter will examine the migration experiences of 106 migrants from Ethiopia to the Middle East. The paper is

Simone Lalli

**Statelessness Vulnerabilities:
Non-institutional and Irregular
Channels to cross the Borders,
Simone Lalli, Fundación ACSAR,
Barcelona (Spain)**

based on the IS Academy: Migration and Development Survey conducted in 2011 in Ethiopia. A total of 1285 household surveys were completed, which includes 106 households with return migrants from the Middle East. The survey includes information on the returnees' situation prior to migration, their decision to migrate, their experiences in the country of migration, their decision to return and their experiences upon return. This chapter specifically examines the perspectives of return migrants regarding their migration experience and its impact on their mental health, economic situation, families and position in their communities upon return. Fifty-two percent of the sample felt that their household situation had improved compared their situation prior to their migration, however, thirty percent of the sample felt that their migration had been a mistake. Special attention is paid to the gendered differences in experiences. This chapter will compare the perspectives of returnees regarding their situations and offer evidence based policy recommendations for protecting the rights of Ethiopian migrants in their migration and return.

Katie Kuschminder is a PhD candidate and Research Fellow working in Migration and Development at Maastricht University and UNU-Merit respectively. She has worked on several projects for the Dutch Ministry of Foreign Affairs, IOM, and UNHCR. Katie is currently completing her PhD at Maastricht University on Female Return Migration to Ethiopia and Social Change. Katie.kuschminder@maastrichtuniversity.nl

The main focus of this presentation will be the role of criminal networks in the process of irregular migration and their part in creating *de facto* statelessness for human trafficking victims. I will argue that smuggling and trafficking are mainly a matter of human security, which can be exacerbated by being stateless. They both have severe consequences on victims' physical and psychological health, through torture, sexual abuse, starvation, slavery-like labour conditions and even death. Once (and if) victims are rescued by authorities, they frequently face long arbitrary detention, and repatriation attempts that, due to the lack of proof of citizenship, could lead to endless statelessness limbo. Excluded from health, education and other social welfare provisions, irregular migrants may be considered a threat to the state and, in some extreme cases, even to international security. Tragically, often the only security jeopardized is their own.

As an example of the role of criminal networks in illegal migration, I will explore migration flows between Africa and Europe. This phenomenon is increasingly important, given that legal pathways for migrants are particularly difficult to exploit. According to UNODC (2006), some 80% of irregular migration to Europe is "facilitated" by criminal groups who are paid to provide such services. Criminal networks, which range from a few individuals (Entrepreneurial Trafficking Organisations) to

large international organized crime (Transnational Networks), in some part of Africa, frequently constitute the backbone of some local economies. It has been argued that dismantling the networks of migrant-related services would place these regional economies "under significant stress (Global Initiative, 2014)". I will conclude by exploring how to best respond to the phenomenon of de facto stateless migrants by improving and harmonising policies in both origin and destination countries, along with suggestions on how deal with stateless individuals. Due to the substantial failure of repressive measures currently adopted by the EU countries, I will test the theory that perhaps it may be time to shift the focus to a more human rights-centred approach.

Simone Lalli is a researcher and blogger at the Armed Violence Reduction Monitor (London Office). He is a political scientist with an extensive experience in the field of International co-operation and development. He collaborated with many NGOs (VIDES International, Save the Children, Antislavery UK) and has field experience as project officer in the Philippines and Cambodia. In 2012 he worked for an intergovernmental organization (International Development Law Organization) as research consultant.

Ann Laudati

(for abstract, please see **Sophie Ramlov Barclay**)

Ann A Laudati's research centres on the intersection between natural resource politics and social welfare, with a particular interest in the implications of global processes on local livelihoods. Fundamental to her work are questions concerning equity and natural resource access. She is a lecturer in Human-Environment Relations in the School of Geographical Sciences at the University of Bristol, UK.

Sílvia Morgades Gil

The Europeanization of forced Migration Management and Human Rights: externalization of the international protection; privatisation of controls; and extraterritorial jurisdiction of states, *Sílvia Morgades Gil, Universitat Pompeu Fabra, Barcelona (Spain)*

Since the Amsterdam Treaty, which established the objective of a European area of Freedom, Security and Justice, the management of forced migration combines instruments of the Common European Asylum Policy (CEAP), the Common European Immigration Policy and the Common Borders Policy in a delicate balance between security and human rights. Although the CEAP is theoretically based on respecting the 1951 Geneva Convention on the status of refugees, the European Convention of Human Rights (ECHR) and the Charter of Fundamental Rights of the European Union, in practice, when combined with the other two policies, which are mainly based on security issues, the rights of asylum seekers to seek asylum in a safe country are hindered. The

right to be protected against violations of Human Rights (for instance, the rights not to be subjected to inhuman treatment; to respect for private and family life; and to benefit from effective remedies) may be curtailed. The CEAP has currently entered into a second phase with four new principal rules: the *Dublin III* Regulation 604/2013/EU; the Directive 2011/95/EU on qualification for international protection; the Directive 2013/33/EU on the reception of asylum seekers; and the Directive 2013/32/EU on common procedures. These norms show an advance in terms of human rights protection, particularly for the protection of vulnerable people, but they are still based on the same principles and the overall system still lacks an effective burden-sharing mechanism.

The aim of this paper is to analyse the consequences that the delegation of migration management tasks and normative powers to the EU and to private actors has for asylum seekers and for the asylum regimes of States. This delegation may be explicit (*Dublin* Regulation; harmonisation rules on asylum; FRONTEX) or implicit

(carrier sanctions rules). Essentially, these consequences are: a) the externalisation of both the international protection function of states, and of the border control tasks; and b) the privatisation of the exercise of the sovereign power to control borders and to admit or refuse the entry of immigrants into the Schengen area. It will be argued that the two main effects of these delegations endanger the protection of human rights of people intending to access the territory of a safe country. Externalisation and privatisation of tasks inherent to the sovereignty of States, in particular, lead to the dilution of the responsibility for carrying out these tasks because the link between the sovereign function and the state becomes lightened or broken.

Finally the exercise of extraterritorial jurisdiction by the EU Member States will be discussed. On this topic, the application of international jurisdictional supervision of the extraterritorial activities of the states carrying out border controls or migration management tasks will be analysed, in particular, the jurisprudence of the European Court of Human Rights (*Hirsi Jaama* judgement, for instance), and of the European Court of Justice. The limits of this control in cases of externalisation and privatisation of management migration tasks will also be assessed.

Sílvia Morgades Gil holds a PhD in Law (2007) from Universitat Pompeu Fabra (UPF). She is a lecturer in the Department of Law (Public International Law) of the UPF (Barcelona). She received the *Extraordinary Prize* for a Doctoral Thesis from the Department of Law, at UPF, in March 2009, for her essay on rights and guarantees of asylum seekers in the European legal

area. Training and doctoral research in the Université Robert Schuman of Strasbourg, Université de Montpellier I, and Université Libre de Bruxelles. Post-doctoral research in the Université Paris 1-Sorbonne. Her publications include book chapters, articles in scientific journals and the book: *Els drets humans com a motor de l'evolució del règim internacional de protecció dels refugiats*, Barcelona: Generalitat de Catalunya, 2008. Her last publication is "La responsabilidad de examinar las demandas de asilo presentadas en la Unión Europea: revisión del sistema de Dublín basada en los estándares europeos de protección de los derechos humanos", in Solanes, A.; La Spina, E, *Políticas migratorias, asilo y Derechos Humanos*, Valencia: Tirant lo Blanch, 2014, pp. 187-210.

Parvati Nair

Parvati Nair is the Founding Director of the United Nations University Institute on Globalization, Culture and Mobility (UNU-GCM). She is also Professor of Hispanic, Cultural and Migration Studies at Queen Mary, University of London, where she was formerly the Director of the Centre for the Study of Migration. She completed her undergraduate, postgraduate and doctoral studies at the University of London.

Her research is in the field of Cultural Studies, with a particular interest in the geopolitical and cultural contexts of the Hispanic world. Her research focus is on the fields of community, migration, displacement, marginality, ethnicity, gender and cultural memory. Much of her work has focused on these issues as represented in photography, film and music. Her first two books focused solely on Spain in the late twentieth and early twenty-first centuries. Her subsequent research has acquired a broader and more comparative focus. She is interested in studying questions of culture, identity, memory and narrative in terms of travel, translation and translocation. This necessarily involves a research methodology and focus that take into account globalization, mobility and migrancy as features of contemporary culture. Her preferred research methodology combines the theoretical analysis of cultural texts and media with ethnographic fieldwork. She has a keen interest in photography and music, especially with regard to the ways in which cultural and aesthetic representation provide inroads to knowledge and power for communities that are marginal, displaced or rendered migrant.

She combines theoretical analysis on such cultural production with fieldwork. She is also the founder and Principal Editor of *Crossings: Journal of Migration and Culture*.

Umut Ozkaleli

(for abstract, please see **Lindsey Kingston**)

Umut Ozkaleli is earned her PhD from the social science department at Maxwell School, Syracuse University. She is currently working as an assistant professor at Cyprus International University, where she holds a joint appointment in the social work department and international relations department. Her research focuses on feminist theories of the state, feminist democratization and transnational solidarity. In addition to her academic work, she is a founding member of Initiative for the Rights of People with Disabilities in North Cyprus and hosts a weekly feminist show at a local radio in Cyprus. She loves to be a part of awareness-raising activities for the rights of disadvantaged populations. She is in the initial steps of starting an NGO called Gender and Minorities Institute. She is also working on a book project which focuses on nationalist Turkish state and its feminist critique on Cyprus foreign policy.

David Passarelli

The Rights of Irregular Migrants: what Value in the Fiduciary Theory of State Obligation?, David Passarelli

Modern liberal states are thought to have an incontrovertible duty to respond to their citizens' rights claims. However, it is less clear what obligations these states are under to fulfill claims brought by their irregular migrant populations. Within such populations, the claims of irregular migrant children are a particularly hard case. The irregular migrant child's claim to schooling is one such example.

This paper suggests two approaches to ground the state's obligation to provide irregular migrant children with schooling. The first approach proceeds from the liberal rights tradition and assesses the ways in which the right to education is comparable to other rights that are thought to matter irrespective of alienage status, e.g. the right to remain free from torture. The second approach frames the relationship between the state and irregular migrant

child as one between fiduciary and beneficiary. Fiduciary relationships arise in circumstances marked by a high degree of dependence and vulnerability on the one hand, and discretionary authority on the other. Drawing on fiduciary theory, the paper argues that the rights claims of irregular migrant children merit special consideration because they are vulnerable in ways that regular citizens—and sometimes irregular migrant adults—are not. Both approaches point to the limitations of alienage status as a meaningful variable in the adjudication of rights claims brought by this group. These approaches also suggest limitations on immigration policies, particularly deportation practices, when they interfere with the provision of services such as schooling.

In addition to exploring the advantages of a fiduciary conception of state obligation, the paper will also present findings from research interviews with NGOs, public servants and policy-makers conducted in Toronto, Canada in 2014. These interviews focus on the evolving landscape of immigration legislation in Canada and access by the stock irregular migrant population to public services. Measures to curb barriers to access of such services will feature centrally in these research findings.

David Passarelli is Chief of Staff to Dr. David M. Malone, Under-Secretary-General of the United Nations and Rector of the United Nations University. He has worked with the United Nations University since 2008 in various capacities within the Office of the Rector. Prior to joining the UNU, Mr. Passarelli was a research assistant at the Global Institute for Asian Regional Integration at Waseda University. He is concurrently pursuing a doctoral degree at the Oxford Department of International Development (ODID, Oxford University), where his research focuses on the rights of irregular migrant children in Canada and the United Kingdom.

Sophie Ramlov Barclay

Sub-Saharan scrap metal collectors in Barcelona and the Spanish economic downturn, Sophie Ramlov Barclay, Autonomous University of Barcelona (Spain) and Ann Laudati, University of Bristol (UK)

In 2013, in the district of Poble Nou, in the east of Barcelona, Spain, there resided

300-600 undocumented immigrants in an abandoned building with no running water or electricity. Largely of Sub-Saharan African origin, they had formed a metal-collecting cooperative and supplied local businesses with an informal supply of cheap metal. In late 2013, following an eviction and sustained campaign from the local police, the large cooperative was disbanded. This chapter follows the group over the period from 2011 until the present day, looking at how changing conditions in Barcelona and in Spain more generally have affected their decision-making, both in terms of how they view possible onward or return migration and in terms of the sorts of activities and organizations that they engage in while in Barcelona.

Sophie Ramlov Barclay holds an MA honours in Social Anthropology from the University of Edinburgh and a Masters in Political Science from the University of Pompeu Fabra in Barcelona. She has extensive experience working with and studying both international and local migrant activist groups.
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Delf Rothe

Autonomy in Times of War? The Impact of the Libyan Crisis on Migratory Decisions, Delf Rothe, Helmut Schmidt University, Hamburg and Mariam Salehi, Helmut Schmidt University, Hamburg (Germany)

In our contribution we explore the puzzling question of how and why an initially peaceful political upheaval could lead

to the migration of 70,000 sub-Saharan Africans from Libya to Europe. In our in-depth analysis based on qualitative interviews, we reveal the complexity of cascading events initiated by the 'Arab Spring' and the impact on migrant workers in Libya. Based on the interviews, we draw a picture of migrants' perspectives on their situation under Gaddafi, the Libyan civil war and subsequent NATO intervention. Our findings prove that macro-perspective and quantitative research alone do not do justice to the complexity of migration decisions. By putting the migrants' views first, we are able to show that these decisions were based on an interplay of different factors such as racism, the impacts of war, lack of economic prospects and the unwillingness to find themselves involved in the civil war. In doing so, we stress the autonomy inherent to migrant decisions and practices even in a situation of war.

In a second part of the chapter, we broaden the focus to the other side of the Mediterranean and problematize the ways in which Euro-Mediterranean relations constrain the autonomy of sub-Saharan migrants. This ranges from cooperation on migration management between Libya and Italy, over the involvement of some EU member states in the NATO campaign and cooperation on border control in the Mediterranean Sea to the denial of humanitarian protection to refugees in Europe. Empirically, we substantiate our arguments through secondary literature and a series of narrational interviews. The interviews were conducted in Hamburg and Berlin with migrant workers who fled from Libya in 2011, coming from Nigeria, Ghana, Togo, Senegal and Mali.

Delf Rothe is working as researcher and lecturer at the Helmut-Schmidt-University Hamburg. He has written his PhD on the securitisation of climate change and its policy implications with a focus on the Mediterranean region. He is co-editor of the volume 'Euro-Mediterranean relations after the Arab Spring' forthcoming 2013 at Ashgate. He has published articles on climate induces migration, renewable energy policy in the MENA region, international political theory and methodology in journals such as *International Relations*, *Security Dialogue* or *International Relations and Development*.

Eduard Sagarra i Trias

The Necessity of Immigration in the Globalized World, Eduard Sagarra i Trias, President of the United Nations Associations of Spain (ANUE), Barcelona / University of Barcelona (Spain)

This keynote lecture will focus on questions of globalization, immigration, asylum, refuge and displacement. The aim is to offer a conceptual framework within which to situate and understand how statelessness and transcontinental migration are not central aspects of globalization in the contemporary world.

Eduard Sagarra i Trias (1947) has two sons and two grandchildren. He has been a practising lawyer since 1972 and is a

founding partner of Roca Junyent. He is a Doctor of Law, a Professor in International and European Law at the University of Barcelona and the Professor in charge of the Immigration and EU Law section of the International Business Law post-graduation degree of the private university ESADE (Ramon Llull University). He has taught on several Masters programmes on Nationality, Immigration and International Business Law, and has published several books and journal articles concerning International Law (Public and Private), Nationality, Immigration, Asylum and European Citizenship, European Union Law, Legal Globalisation and International Law on Human Rights. He is also speaks regularly at major seminars on the theme of immigration.

Eduard Sagarra i Trias was a member of the Bar Association Council of Barcelona from 1982 to 1986, the President of the Catalan Council of the European Movement from 1996 to 2000, and is a member of the European Team on Immigration, EU and International Law. For twenty-seven years, he was also an active member in the *Coral Sant Jordi de Barcelona* (Sant Jordi's Choir of Barcelona). Currently, he is President of the United Nations Association of Spain (ANUE).

At present, his department deals with International Law, Migrations, Commercial contracts, Civil law, Property and Construction Law.

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Mariam Salehi

(for abstract, please see **Delf Rothe**)

Mariam Salehi is working as a researcher at the Helmut-Schmidt-University Hamburg. She holds an MSc in Global Politics from the London School of Economics and a BA in Integrated European Studies from the University of Bremen.

Romola Sanyal

Re-making Lives between the City and the World: Urban Citizenship and the question of Refugees, Romola Sanyal, London School of Economics (UK)

As the world urbanizes, cities become sites of not only the global economy but also of the remaking and reinterpretation of identities including questions of citizenship and belonging. This is increasingly so as globalization and neoliberal restructuring encourages both the migration of people and the exacerbation of already existing inequalities between people through changes in governance structures. Urban citizenship has emerged within this context of shifting scales of economic and political power as a concept that aims to interrogate new and emerging forms of social, cultural, and spatial practices that constitute and negotiate citizenship at the urban scale. Urban citizenship and the related notion of the right to the city have been used by scholars to analyse the struggles of people, particularly urban residents against continued disenfranchisement of the current era. However, while

the ideas of urban citizenship have been useful to interrogate the contestations of the underclasses, it has largely focused on citizens or economic migrants. The utility of the idea to analyse the situation of urban refugees who may fall under different legal and governance regimes from economic migrants has been limited. Yet such an analysis is increasingly necessary as more refugees move to urban areas rather than camps. In cities, the implications for different legal classifications and concomitant protections affecting different populations of people are significant for refugees, especially those displaced for long periods of time. This paper attempts to examine the complex struggles of urban refugees particularly around shelter to complicate discussions of urban citizenship.

Romola Sanyal is Assistant Professor of Urban Geography at the London School of Economics. Her work focuses on urban politics in the global north and south, particularly around issues of identity, citizen-

ship and space. Her research has looked at the intersection between Refugee Studies and Urban Studies and trying to understand the politics of urbanization in refugee spaces in the Middle East (Lebanon) and South Asia (India), especially among communities of people who have been displaced for prolonged periods of time. She has published several articles on this. Her interest in questions of citizenship, particularly in India, led to the publication of her co-edited book *Urbanizing Citizenship: Contested Spaces in Indian Cities* (Sage, 2011). Her current research includes policy mobilities in the Middle East, Legal Geography and analysis of empathy and space in development practice. She has a PhD in Architecture (UC Berkeley), an MSc in Geography (LSE).

Melissa Siegel

(for abstract, please see **Katie Kuschminder**)

Melissa Siegel is an Assistant Professor and Head of Migration studies at the Maastricht Graduate School of Governance and UNU-MERIT where she heads several research projects and two educational degree programs in Migration Studies.

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Julie Snorek

Contested Views of the Causes of Migration among Pastoralists in peri-urban and urban Centers of Niger, Julie Snorek, UNU-EHS (Germany)

The great droughts of the 70s and 80s sent many Tuareg and WoDaaBe Fulani pastoralists in the Tahoua region of Niger to pursue various coping and adaptation strategies including migration: sending family members to the Maghreb to find work or sedentarization into peri-urban areas within Niger. These activities as well as the on-going need to supplement income earned from pastoralism point to social and ecological tipping points in Niger's pastoral system. Libya is one of the primary receiving countries for migrants originating in Niger's pastoral zone. Recent conflicts in Libya sent over 80,000 returnees back to Niger, the majority of which returned to Tahoua's northern pastoral zone. These mostly male migrants have received little to no formal education and are between the ages 20 and 40 years old according to statistics collected by the International Organization for Migration (IOM, 2011). In Tahoua alone, the remittances sent from these returning migrants supported the livelihoods of over 136,000 people (ibid.). To understand the relationship between the reasons for migration and social and ecological changes taking place in Niger's vast and increasingly insecure pastoral zone, this study analyzes migration decisions for both peri-urban and urban migrants within Niger, taking into account the social, ecological and political factors that can also influence such decisions.

The first phase of research was conducted over a period of 2 months from May to June 2010 in Abalak and Niamey, Niger involving 15 households and utilizing qualitative and participatory research methods to capture case histories related to both personal livelihoods and motivations for settlement in towns (within the past 10 years). The second phase of research took place over a period of 8 months in 2011 and concentrated on interviews with current pastoralists to understand vulnerabilities to their livelihood. Secondary data from IOM, expert interviews, and a thorough literature review provided triangulation for the field data as well as guidance for site selection. Findings show that environmental degradation and mismanagement of pastoral resources has been pushing current and former pastoralists to send migrants abroad in order to support failing livelihoods and especially during climate events such as drought. The profile of migrants however was highly pertinent to the migration decision-making process. Those living in cities and those who had previously migrated were more likely to migrate seeking greater access to resources such as education and modern lifestyles. The findings have implications for current and future migration due to the continuing insecurities in Libya and increasing unrest throughout the northern territories of Niger and point to a need to establish greater resilience amongst pastoral groups.

Julie Snorek is a PhD Researcher at the University of United Nations Institute for Environment and Human Security (UNU-EHS) and a doctoral candidate at ICTA in Universitat Autònoma de Barcelona (UAB). She completed her masters during the disastrous drought of 2009/10, investigating environmentally induced migration in northern Niger amongst pastoralists. Currently, her research explores how changes in ecosystem services, social vulnerability and water governance are contributing to tensions or cooperation between herders and farmers in the context of climate change in Niger.

Katerina Stauroula

The Migrants' Files: surveying Migrants' Deaths at Europe's door, Katerina Stauroula, The Migrants' Files Project (Europe)

A tide of humanity – people on the run from Africa, the Middle East and Asia – is washing over Europe's boundaries, and many don't survive the journey.

The plight of migrants only grabs the media spotlight intermittently. It usually takes a disaster involving death in large numbers to drag this story into the public eye, although in fact it is a story that never ends.

One of the most wretched recent incidents, in October 2013, involved the death of over 360 people off the coast of the Italian island of Lampedusa. Tragedy on this scale demands, and generally gets, the attention of the broad public and political leaders. During his visit to Lampedusa after the October 2013 disas-

ter, José Manuel Barroso, President of the European Commission, proclaimed, "The European Union cannot accept that thousands of people die at its borders." Malta's Prime Minister Joseph Muscat also issued a statement after the tragedy, warning that the Mediterranean risked turning into a "cemetery" for desperate migrants. This well-publicized incident and the bursts of engagement from politicians and officials that follow highlight the conflict at the heart of Europe's asylum and migration policies: on the one hand, the authorities acknowledge the humanitarian imperative of saving lives at Europe's borders while at the same time they vigorously apply politically driven policies that restrict migration. In the end, the dynamics that put so many lives at risk remain unaltered and little is known about how many men, women and children actually have lost their lives on their journey to Europe.

Believing that policy unsupported by facts cannot be optimal, a consortium of European journalists launched the Migrants' Files project, an attempt to systematically assemble and analyze the data on the deaths of Europe's would-be migrants, in August 2013. By compiling datasets from various sources, The Migrants' Files are a comprehensive and reliable database on migrants' deaths. Principal data sources include United for Intercultural Action, a non-profit whose network comprises over 550 organizations across Europe, and Fortress Europe, founded by the journalist and author Gabriele Del Grande. The Migrants' Files' database also uses data from Puls, a project run by the University of Helsinki, Finland and commissioned by the Joint Research Center of the European Commission.

A consistent methodology is applied to all data, starting with so-called "open-source intelligence" (OSINT). Extensive data cleaning and fact-checking was applied by using OpenRefine, an open source analysis tool. In a second stage, The Migrants' Files journalists established a database on Detective.io, a web-based tool specifically designed to support information gathering efforts for large-scale investigative reporting projects. The Migrants' Files database of emigrant deaths now structures the data according to name, age, gender and nationality. Every fatal incident is recorded with its date, latitude and longitude, number of dead and/or missing as well as the cause.

The Migrants' Files is an ongoing project and the assessment is shocking: since the beginning of the century more than 23,000 people have died or vanished attempting to enter Europe.

Katerina Stauroula is a freelance reporter, data journalist and columnist collaborating both with newspapers and online media. Currently living in Athens, Greece, she is a radio producer at radiobubble.gr and

a columnist at toperiodiko.gr and PRIN newspaper. Her previous experience includes working as a local producer/fixer for BBC and MTV3 Finland and collaborating with various media like Shedia magazine, Enthemata - Avgi Newspaper, Red Notebook, Anaireseis Magazine etc. Interested in international news as well as social and political reporting she became a member of the consortium of European journalists that organized and launched The Migrants' Files project, the first data journalism project that systematically assembled and analyzed the data on the deaths of migrants on their effort to reach Europe. The project currently won the Data Journalism Award 2014 in the category, "best story or group of stories on a single topic, online or print".

Katja Swider

Law and Practice regarding Stateless Persons in the Netherlands, Katja Swider, University of Amsterdam (Netherlands)

Statelessness is often an undesired situation, and most stateless persons aspire to become nationals of the state with which they link their future. Being stateless may lead to a number of legal and practical problems, but being stateless and not

having one's statelessness recognized is even more problematic. In the Netherlands, there is no adequate statelessness determination procedure by means of which stateless persons can prove that they are in fact stateless. Theoretically, stateless persons in the Netherlands enjoy various rights, including the right to travel documents, as well as the right to facilitated naturalization. Stateless children born in the Netherlands are entitled to a Dutch nationality after three years of living there. In practice, however, these rights cannot be accessed by their target group, because hardly any stateless persons get recognized as stateless. This leaves many of them in legal limbo, not only unable to access a nationality, but sometimes even unable to enjoy basic rights.

In 2012 the UNHCR has developed a set of Guidelines on the interpretation of various provisions of the two major UN Statelessness Conventions. Considerable attention has been devoted by the UNHCR to the importance of statelessness determination procedures, as well as to the minimum standards with which such procedures need to comply in order to be effective. If the standards developed in these Guidelines are applied to the Netherlands, it becomes clear that the Netherlands is violating its international law obligations because it lacks a statelessness determination procedure.

The central role in the failure to recognize statelessness is played by the civil registry of the Netherlands. The civil registry is the main governmental source of information

about individuals living in the Netherlands. All state authorities in the Netherlands are in principle supposed to rely on the information in the civil registry for the purposes of fulfilling their tasks. It is theoretically possible to register statelessness in the civil registry, but the rules and procedures governing such registration are not suitable for determining statelessness. This is particularly apparent in light of the UNHCR Guidelines on Statelessness. As a result, stateless persons are often registered in the civil registry as having an 'unknown nationality' or a nationality of a state which they in fact do not have. When they subsequently attempt to invoke their rights as stateless persons with any state authority, for example when applying for naturalization, they are unable to do so.

It is possible for the state authorities to deviate from the information contained in the civil registry when they have good reasons for it. There are numerous examples in the Netherlands of various state authorities recognizing statelessness of individuals in contradiction to the civil registry, in order to guarantee those individuals the rights they are entitled to. The examples where positive solutions are achieved through exceptions in the system illustrate the deficiency of this system, which pretends to protect stateless persons, but in practice excludes them.

Katja Swider is a doctoral researcher at the law faculty of the University of Amsterdam, working on her PhD thesis 'Statelessness Identification in Europe', which is financed by the Netherlands Organisation for Scientific Research. Katja holds an LLM degree in European Law from Leiden University, and an LLM in Legal Research from the University of Utrecht. She obtained her BA degree in Liberal Arts and Sciences from University College Utrecht. Katja is a member of the European Network on Statelessness, and has previously volunteered for the Dutch Red Cross as a legal advisor for victims of human trafficking.

Anna Terrón Cusí

Anna Terrón Cusí serves on the Advisory Board of UNU-GCM. She is President at InStrategies and Special Representative of the Secretariat of the Union for the Mediterranean. Her career in the public sector has primarily focused on the European Union and international affairs. Internationally, she has developed much of her activity in the Middle East and

Maghreb, and in the Atlantic Africa and Latin American regions. She has worked in the field of international migration and human mobility. She is a Former Secretary of State for Immigration and Emigration of the Government of Spain (2010-2011) and former Secretary for the European Union of the Generalitat de Catalunya and the Catalan Government Delegate to the European Union (2004-2010). She has been a member of the Committee of the Regions (spokesperson at the Commission on Citizenship, Governance, Institutional and External Affairs) and member of the European Parliament (1994-2004). She has been appointed Special Advisor to Commissioner Cecilia Malmström on migration issues. She holds a BA in Political Science and Public Administration.

Omur Yilmaz

(for abstract, please see **Lindsey Kingston**)

Omur Yilmaz is Lecturer at the Department of Political Science and International Relations in the Faculty of Business and Economics of the Eastern Mediterranean University (Turkey). Her research interests are: Comparative political institutions; civil society; social mobilization; contentious politics; Intra-State Conflict and Conflict Resolution.

PHOTOGRAPHS BY JOHN HALAKA

PORTRAITS OF DENIAL & DESIRE

25 July to 19 August 2014

Tasneem Gallery is pleased to present the exhibition *Portraits of Denial and Desire* by John Halaka. This exhibition is presented in collaboration with UNU-GCM (United Nations University Institute on Globalisation, Culture and Identity) which is based in Barcelona. It will open alongside a conference organised by the University on the theme of Statelessness and Transcontinental Migration. Further information on the University and the conference can be found below.

John Halaka's photographs from the series *Portraits of Denial & Desire*, consist of diptych and triptych photographic compositions arranged to convey psychological portraits of Palestinian refugees. The images engage the viewer in a process of constructing fragmentary narratives about the lives of the individuals depicted in the photographs, while involving each observer in meditations on the history and condition of the refugees. Through this work, Halaka humanises and personalises the abstract notion of the displaced masses, making the experience of refugees infinitely more real, comprehensible and unforgettable.

John Halaka's photographs are part of an ongoing multi-disciplinary project that also includes large-scale portrait drawings, an oral history video archive, a documentary film, and a book of the stories and portraits of the refugees. This narrative displays how the persistence of memory is a crucial act of political resistance and cultural survival.



From the series *Portraits of Denial & Desire (Hands of Time)*, 2013, 60, 96 x 91, 44 cm, Digital Print, Artist Proof

About the Artist

John Halaka is a Visual Artist, Documentary Filmmaker and Professor of Visual Arts at the University of San Diego, where he has taught since 1991. He received his MFA in the Visual Arts from the University of Houston in 1983, and B.A. in Fine Arts from the City University of New York Baccalaureate Program, with Brooklyn College as home school. His Artwork has been exhibited and his films have been screened nationally and internationally.

A selection of his paintings, drawings and photographs can be viewed on his art web site www.johnhalaka.com. Information about his film projects and archives of video interviews can be found on his film web site www.sittingcrowproductions.com.

About Tasneem Gallery

Tasneem Gallery is an international contemporary art gallery, located in the residential neighborhood of Las Tres Torres in Barcelona. It began its operation as a gallery with the opening of its first exhibition in November 2007. The gallery has two main objectives. First to present and promote the work of international artists, both established and emerging. Second to provide information and advice to new and seasoned collectors.

Our platform is based on commitment and long-term relationship with our artists, to support and enable a solid and steady development of their career. Our program is based on an individualized strategy for each artist where we include: the organization of events and exhibitions, diffusion and promotion through different media of their projects within and outside the Gallery, participation in international art fairs and regular update on new proposals to all our contacts.

Tasneem Gallery is owned and directed by Tasneem Salam.

LIST OF PARTICIPATING INSTITUTIONS

Autonomous University of Barcelona (Spain)
CEHDA, Barcelona (Spain)
Charles III University of Madrid (Spain)
Cyprus International University (Cyprus)
Eastern Mediterranean University (Turkey)
Equal Rights Trust, London (UK)
Fundación ACSAR, Barcelona (Spain)
Helmut Schmidt University, Hamburg (Germany)
London School of Economics (UK)
Maastricht University (Netherlands)
Middlesex University (UK)
Pompeu Fabra University, Barcelona (Spain)
Stockholm University (Sweden)
Tasneem Gallery, Barcelona (Spain)
The Migrants' Files (Europe)
The UNESCO Centre, The Law and Migration (CUDM), Rabat (Morocco)
United Nations Association of Spain (ANUE), Barcelona (Spain)
United Nations University, Tokyo (Japan)
University of Amsterdam (Netherlands)
University of Barcelona (Spain)
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