



Ear to Asia podcast

Title: Citizens of Nowhere: how climate change is creating a new generation of stateless people in the Asia Pacific

Description: Climate change is increasingly more than an environmental crisis — its human dimension is fast becoming one of the defining legal and political challenges of our era. Tens of millions are already displaced by floods, droughts, and rising seas, while communities like the Torres Strait Islanders face not just the loss of land, but the severing of profound cultural and spiritual ties to place. For low-lying Pacific nations like Tuvalu, the very existence of their state may one day be reduced to legal records and collective memory. So how does international law grapple with nations that no longer have territory? And what stands between the global community's emerging recommendations to safeguard the right to nationality and the political will to implement them? Assoc Prof Radha Govil and Aashish Yadhav, both statelessness researchers from the Peter McMullin Centre on Statelessness at the Melbourne Law School, join host Sami Shah in exploring how climate change is pushing people into statelessness — and what can be done about it. An Asia Institute podcast. Produced and edited by profactual.com. Music by audionautix.com.

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Voiceover:

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Sami Shah:

Hello.

I'm Sami Shah.

This is Ear to Asia.

Radha Govil:

There is an international right to a nationality, which is found in the Universal Declaration of Human Rights, but critically, also in other human rights instruments that have been widely recognised and ratified by many states around the world.

So countries that would take in, people who have been displaced by climate change, they would particularly have an obligation to ensure that children in those countries retain their right to a nationality and are not left stateless.

Aashish Yadav:

The various states have different sorts of discriminatory nationality provisions, and in the context of climate change, that is gender discriminatory nationality laws, which means that women are often not able to pass on their nationality to their children on the same terms as men can.

And often we see that due to migration across borders, people fall through these cracks.

Sami Shah:

In this episode, Citizens of Nowhere: how climate change is creating a new generation of stateless people in the Asia Pacific.

Ear to Asia is the podcast from Asia Institute, the Asia research specialists at the University of Melbourne.

Climate change is often framed as an environmental crisis, a matter of temperatures, sea levels and carbon emissions.

But its human dimension is rapidly becoming one of the defining legal and political challenges of our era.

Displacement, the erasure of cultural heritage, and even the possible dissolution of sovereign states are no longer just hypothetical.

For some communities, they are already lived realities.

The numbers involved are staggering.

Tens of millions of people are already being displaced, mostly within their own countries, by intensifying floods, droughts, storms and rising seas.

Communities like the Torres Strait Islanders in northern Australia face not just the loss of land, but the severing of profound cultural and spiritual ties to place.

And for citizens of low lying Pacific nations such as Tuvalu, whose statehood may someday survive only in legal records and collective memory.

The meaning of belonging is becoming an increasingly urgent legal and humanitarian challenge.

So how does international law grapple with nations that no longer have territory?

How do gaps in nationality laws risk creating generations of stateless children?

And as the global community begins to formulate recommendations to safeguard the right of individuals to nationality in the context of climate change, what stands between those recommendations and the political will to implement them?

Joining me today are Associate Professor Radha Govil and Ashish Yadav, both statelessness researchers at the Peter McMullin Centre in the Melbourne Law School.

We'll be exploring how climate change is pushing more and more people into statelessness and what can be done about it.

Thank you so much for joining me.

Radha Govil:

Thanks, Sami.

It's great to be here.

Aashish Yadav:

Thanks, Sami.

Very excited to be here as well.

Sami Shah:

Radha, let's start with you.

Broadly speaking, how does climate change affect the suitability of land for human habitation and economic activity?

Radha Govil:

So Sami, what we're seeing is the emission of greenhouse gases primarily through human activities, including the burning of fossil fuels like coal, oil and gas, is actually heating the planet faster than at any time in the last 2000 years.

And what we're finding is that climate related hazards, which include both extreme weather events like droughts, extreme rainfall, cyclones and slower onset events like sea level rise or rising temperatures or desertification are actually increasing.

And this has a substantial impact on prospects for human habitation and economic activity, and the direct, indirect and cascading effects of all of these kinds of climate related hazards can affect, for example, food and water security, the loss of climate sensitive livelihoods, including farming and the degradation and loss of habitable territory.

And this all also includes the increased risk of disaster, conflict, generalized violence, and human rights violations.

And this can result in displacement and other forms of human movement.

So this is how we see the impacts of climate change really affecting um, the long term suitability and sustainability of human habitation and economic activity.

Sami Shah:

So let's take a closer look then at how climate change adversely affects people, which often leads to forced relocation.

Aashish, we're seeing an increase in extreme weather events, which scientific modeling attributes to climate change, and that's causing people in a number of countries to be displaced from the land they live on.

How large is this displacement?

What is the scale we're talking about?

Aashish Yadav:

So just building on from what Radha saying, and that's something we see in the way the data is collected, because the trigger behind displacement is never really clear, even though we recognize that, scientifically, climate change is contributing to, uh, disasters across the world, which in turn lead to internal displacement as well as displacement across countries, across state borders.

Um, The different institutions collect this data differently.

For example, the leading organization collecting data on internal displacement, which is the Internal Displacement Monitoring Centre released its report last year, where it said that 9.8 million people had been displaced by disasters.

Now this data includes the numbers of persons who are displaced due to climate change as well.

But we don't know that number, uh, in its entirety.

For instance, UNHCR, in its recent report in November last year, said that in the last decade, over 250 million people had been displaced by climate change.

Now that number includes people who'd been displaced repeatedly.

And as it happens in these kind of disasters or these kind of climate related hazards, is that people are not able to find support and shelter, uh, through different organizations, including the, including the state where they are residing in or the state they migrate to.

And that leads to further migration, uh, again and again in those circumstances.

Sami Shah:

So as far as we can tell, climate change often does result in displacement.

But that also poses a threat to the very existence of vulnerable nation states.

Aashish, what happens when climate change threatens an entire country through the loss of land?

Aashish Yadav:

Yeah, that's that's an interesting question, Sami.

I'd answer that in two ways, perhaps.

I think first is the, the direct impact that climate change has on, uh, the territory of the land as well as the conditions of livelihood of the people in those lands.

So if we look at the countries of the Pacific, which the media often covers, and they are at the forefront of the fight against climate change, they stand to lose land in the next couple of decades.

Some estimates say that country, the country which is most vulnerable, uh, that is Tuvalu might lose all of its habitable land by 2100.

Uh, And the debate is often framed in terms of that the countries will lose all of their land, which will lead to the migration of the entirety of the population, and that will lead to their statelessness.

So the country loses land, loses statehood, loses sovereignty, and as a result, people become stateless.

But there are various, uh, scholars and international law and lately, uh, different leading international institutions as well, which have challenged that view.

And recently, the advisory opinion on climate change by the International Court of Justice, as well as some reports by the International Law Commission, and especially the various declarations that Pacific countries have made, uh, show us that international law does not outrightly say that loss of land would lead to loss of statehood.

These countries could remain, uh, as states.

They could they could continue to exercise their sovereignty even if they lose all the land.

Uh, But what we are missing out in this debate as well is it's a very simplistic view to take.

That loss of land would lead to direct loss of all population.

That is, everyone from those island countries would move at that point to other countries.

However, it does not take into account the reality that people move along the way.

People move at different points slowly when they can afford to, when they have the opportunity to.

And I think that's what we're missing in that debate.

So there'd not be a sudden loss of population.

It would happen slowly as people continue to adapt, including people who may not ever want to leave from those lands where they, uh, they've been raised, which they are so attached to, where they have deep cultural ties to the land.

Sami Shah:

So can I ask then how does a deterritorialized nation continue to exist?

Aashish Yadav:

This is largely a theoretical, uh, issue that international law scholars and various other scholars have been engaging with lately.

And that is a response to the kind of debates that traditional international lawyers would pose.

As I said before, if we want to entertain the idea that, oh, what would happen to a country which will lose all of its land?

So, for example, there are some responses which say that, oh, that country could maintain a presence, even, you know, construct an artificial island where the country exists right now and just put, you know, a few government officials there, for example, who just rule from there in name, but the population's actually settled elsewhere.

Uh, And, and to facilitate that, uh, various countries could enter into agreements with neighboring countries, uh, you know, where their populations could then reside.

And as a result, um, the, the population which is elsewhere is still then in a way governed by, uh, some tokenistic presence that their existing, uh, leadership has on the land which the country used to have.

Uh, But, but as I was saying before, this maybe would not happen.

Uh, We don't know right now because international law is now providing us some answers that the theoretical idea of the deterritorialized state may not be a reality, that we may be able to continue, uh, with the understanding that countries which are facing the threats of climate change would continue to exercise their sovereignty and statehood in the current fashion.

Sami Shah:

You mentioned Tuvalu, which other nation states are most at risk of this right now?

Aashish Yadav:

Uh, So in the Pacific we see that other than Tuvalu, it's Kiribati and Fiji, uh, and, uh, as well as, uh, the Federated States of Micronesia. And, uh, outside of the Pacific, the threat is not as quote unquote existential in the sense that there are various other countries in the world such as Bangladesh, such as, um, states in the, in the Caribbean, which would stand to lose some land, but they're not facing the risk of, uh, the entire landmass getting submerged over the next couple of decades.

Sami Shah:

Radha, what would statelessness at scale look like given climate trends?

Radha Govil:

So, Sami, I think it's perhaps worth first defining statelessness because it is a distinct legal concept and sometimes can be confused with a person who is a refugee or a person who is displaced.

So simply put, statelessness is a situation where a person finds themselves without the nationality of any country in the world.

There is a legal definition of a stateless person, and that is found in the 1954 convention relating to the status of stateless persons.

That is, a person who is not recognized as a national by any state under the operation of its law.

Now, in practice, the right to nationality is considered to be a gateway right?

Sometimes referred to as the right to have rights.

And this is because in practice, without nationality, a person is often denied access to other basic rights and services, including, for example, the right to education, public healthcare, social security, property ownership, identity documents, and even the right to vote.

Now, globally, most countries do not accurately record the number of stateless people on their territory, but it is estimated that around the world, many millions of people are stateless.

And UNHCR, which is the UN agency mandated to address statelessness, reports around 4.4 million stateless people globally, but also acknowledges that this is a significant underestimate.

So now to your question about what does statelessness at scale look like in the context of climate change?

Well, unfortunately, we cannot give a very clear answer on this particular question.

And this is because the causes of statelessness in the context of climate related mobility vary depending on the circumstances of the individuals or groups that are impacted, and by the laws and policies in the countries from which and to which they might be moving.

But because we know that certain law and policy gaps that could lead to statelessness are triggered when people are displaced or on the move.

The very projected increase in such movement, which is exacerbated by climate change, is expected to trigger these gaps more frequently.

So if these gaps are not addressed, the risk for statelessness for certain groups from certain countries could increase very significantly.

Sami Shah:

Assuming other countries take in these climate refugees, if you will, what rights would such people have in the host countries where they eventually do settle?

Radha Govil:

So as you've sort of flagged, the term climate refugee is not an officially recognized legal category under international law.

However, people displaced by climate change are entitled to fundamental human rights and protections under international human rights law, and in specific circumstances under international refugee law.

These protections include the principle of non-refoulement, which prohibits states from returning individuals to a country where their life or human rights would be at very serious risk due to climate impacts.

It would include the right to life and dignity, non-discrimination and other basic rights.

And this is also an area that we should flag is, which is where legal frameworks are also now evolving and adapting.

So very recently in 2019, the Human Rights Committee actually found that returning individuals to places where climate change poses an existential threat, like in Kiribati, may actually violate international human rights.

I would, however, like to also highlight the specific right to a nationality, because today we're talking about the risk of statelessness that might arise in the context of climate change.

And so there is an international right to a nationality, which is found in the Universal Declaration of Human Rights, but critically, also in other human rights instruments that have been widely recognised and ratified by many states around the world.

And this includes the International Covenant on Civil and Political Rights, and the convention on the rights of the child.

And these two latter instruments are really important, particularly when it comes to the right of a child to have a nationality.

So countries that would take in, people who have been displaced by climate change or who are moving in the context of climate change, they would particularly have an obligation to ensure that children in those countries, um, retain their right to a nationality and are not left stateless.

Sami Shah:

Aashish mentioned Tuvalu, which is frequently cited as the climate canary in the coal mine, if I may quote a phrase, with scientific projections suggesting that nearly all of its land could be submerged by the year 2100.

Beyond the physical loss of land, how is this immediate existential threat currently reshaping the Tuvaluan people's sense of sovereignty and identity?

Radha Govil:

So, Sami, it's a really important question, and indeed, Tuvalu is a little bit the canary in the coal mine, because the impacts that it is facing as a result of rapid sea level rise are unprecedented and not seen elsewhere in the world.

And the impact that this has beyond physical loss of territory, or the uninhabitable of land because of saltwater intrusion, is definitely having an impact on Tuvaluan people's sense of sovereignty and identity, in the sense that they have had to think leaps and bounds ahead of everyone else as to what it means to be a nation state and what it means to be a Tuvaluan national.

Um, And in that context, uh, Tuvalu has done many things to try and preserve its sovereignty.

Uh, You may have seen reports about it being one of the first states to consider establishing a digital state, an online presence whereby they would be able to preserve, uh, certain government functions in the, in the event that their land is completely submerged, but critically also in the context of identity.

And this goes more broadly, more broadly to questions of cultural identity, which are for the Pacific Islanders, very much bound up with land and territorial waters going far beyond the more legal category of nationality.

So these are all questions that are definitely being grappled with by the Tuvalu community as they try and navigate these.

These are existential issues that they're facing in their country.

Sami Shah:

Although the 2024 Australia Tuvalu Falepili Union Treaty is touted as the world's first bilateral agreement on climate mobility, offering permanent residency to 280 Tuvaluans annually, some argue that it poses potential problems.

What are the key problems with this treaty and why?

Radha Govil:

So there are quite a number of issues that have been highlighted with this treaty from different perspectives, um, relating to, uh, the geopolitical context in which it has been negotiated and agreed.

Um, But today I'm going to focus on the specific issue of the gaps that arise in the context of the right to a nationality.

And so from the perspective of ensuring the right to a nationality and preventing loss of statelessness, we can see that this treaty is problematic.

And that is because what it is essentially proposing is a permanent move of, uh, a number of people over time from Tuvalu to Australia.

Um, But while envisaging a permanent move, there is nothing explicit in the treaty on the rights of these people to Australian citizenship.

Uh, The treaty envisages that people who move from Tuvalu to Australia will be accessed, will be able to access a full range of rights that are typically available to those with permanent residency in Australia, but does not go so far to explain what steps such individuals might need to take to acquire Australian citizenship, which is the highest form of membership of Australian society.

Despite envisaging that, these people will be here to stay, this instead is covered later in the explanatory memorandum that accompanies the treaty.

But the problem is that that explanatory memorandum is not a binding document and is subject to change depending on the political situation at any given time.

So it does not provide people who are moving here, uh, looking for a stable, permanent, uh, life with that certainty that they deserve.

Um, In addition, we can see more technical issues.

So, for example, prior to this treaty being agreed, it does not appear that there was a thorough assessment done either of Australian nationality laws or the Tuvalu Nationality Law.

For example, under the Tuvalu Citizenship Law, there is a provision that says that naturalised tuvaluans who indicate a desire to live and move overseas and thereby demonstrate an intention not to make Tuvalu their permanent home, may be stripped of their nationality.

Now, in the current context of such naturalised tuvaluans moving to Australia, under the scheme, the risk of statelessness arises and this is because they technically could be stripped of their Tuvalu nationality before they've had an opportunity to acquire Australian citizenship.

So these are the kinds of gaps that we see in this treaty.

Sami Shah:

You're listening to Ear to Asia from Asia Institute at the University of Melbourne.

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It's called the Melbourne Asia Review.

It's free to read and it's open access at melbourneasiareview.edu.au.

You'll find articles by some of our regular Ear to Asia guests and by many others.

Plus, you can catch recent episodes of Ear to Asia at the Melbourne Asia Review website, which again, you can find at melbourneasiareview.edu.au.

I'm Sami Shah and I'm joined by researchers into statelessness, Aashish Yadav and associate professor Radha Govil, both from the Peter McMullin Centre on Statelessness at the Melbourne Law School.

Aashish, besides the significant loss of land to the sea, as in the case of Tuvalu, climate induced natural disasters can also put affected populations at risk of becoming stateless internally.

How does a natural disaster transform, then, from a temporary displacement into a permanent risk of statelessness?

Aashish Yadav:

I think that is often less discussed in this, uh, in this field where because people are displaced internally due to climate change, they may not outrightly face the risk of statelessness since they're not migrating across borders.

But what we need to focus on when we're talking about this is that the direct result of a natural disaster in these circumstances is often a loss of documents, loss of identity documents that these persons hold, as well as sometimes they find it quite difficult to acquire new documents in the in the town or the or the city where they may have to migrate due to the impact of disasters.

So, for instance, uh, this has been studied now in the in the state of Assam in India.

So for various decades, the state of Assam had, uh, nationality determination exercises, uh, which had their roots in India's partition and independence in 1947, and going on to the formation of Bangladesh.

But what happened over time is that, uh, the way these exercises played out did not take into account that Assam faces annual floods.

So a lot of people in Assam have been traditionally living in char regions, which are, you know, one could say they're riverine islands or they are sandbars along the Brahmaputra River in Assam.

And what happens due to the annual floods is that people are displaced across a big section of Assamese geography, and they are often unable or they find it difficult to acquire a new document which would have their latest residential address on it.

Now, eventually, when the latest exercise in Assam started folding out in 2013 onwards, the National Register of Citizens, which asked every single person in Assam to demonstrate through documents that they actually are residents of Assam and thereby citizens of India, these people were not able to provide those documents which had their latest address on them.

As a result, we saw that a lot of the affected persons, due to the floods, uh, were struck off the National Register of Citizens, and their citizenship is now in question just because of this documentary deficiency, if you could say it like that. Yeah.

Sami Shah:

Is this an example, then, of the sort of what's being described as perfect storm of nationality laws and the challenges that they create for families trying to move across borders, resulting in perhaps even generations of stateless children?

Aashish Yadav:

Yeah.

One could put it like that.

I think it's important to recognise, as Radha was saying, how international law defines a stateless person, and how, uh, countries then still hold the power and the discretion to determine their own nationality. (25:14)

So various states have, uh, different sorts of discriminatory nationality provisions.

And the one that, uh, in the context of climate change that, uh, you know, we discussed in our article, and I think we should find, we should focus more attention towards is gender discriminatory nationality laws.

So over 30 countries in the world still have gender discriminatory nationality law, which means that women are often, um, not, uh, able to pass on their nationality to their children on the same terms as men can.

So, for instance, in Kiribati, which is one of the affected countries due to climate change, um, women are, uh, prevented from conferring citizenship to their children born outside the country.

Now, if you look at this example, obviously, as you know, discussing before, um, citizens of Kiribati would adapt to climate change and let's say they move abroad.

And if a woman who's a Kiribati citizen has a child born abroad, uh, that child may not naturally, uh, be able to acquire Kiribati nationality unless they can demonstrate other ties.

Whereas Kiribati citizen who is a man and who has a child abroad would be able to pass on that nationality.

So this demonstrates that there are various gaps in nationality laws, as Radha was also mentioning.

And often we see that due to migration abroad, migration across borders, uh, people fall through these cracks where they are either, uh, unable to provide a specific kind of residence permit or a document, which can then help them, uh, acquire, uh, natural acquire nationality by naturalization in that country or the gaps in nationality laws, sometimes outrightly and discriminately prohibit people from passing on nationality and thereby, uh, leading to this risk of statelessness for their children.

Sami Shah:

Approximately 70% of the world's 4.4 million registered stateless people live in just four countries, three of which are in Asia: Bangladesh, Myanmar and Thailand.

Why are these already marginalized groups at disproportionate risk then, when climate hazards strike their specific regions?

Aashish Yadav:

Yeah, it's because countries often, uh, are not identifying the stateless populations living in their territories.

Uh, And there are, uh, you know, as I mentioned, there is the international law framework on statelessness, which has these two treaties from 1954 and 1961.

And even though the number of signatory countries to both the treaties has been increasing, it's still not still not perfect, let's say that.

Um, And both these treaties require that to implement the various rights protections for stateless persons, countries should implement the statelessness determination procedures, which is basically a way to identify who the stateless people in a country's territories, uh, territory are and how the state can then support them.

Not not many countries have these, uh, statelessness determination procedures as well as, then, the countries that you mentioned.

Now, most of them are not signatories to these two treaties, which means that the kind of protections currently available to stateless persons who are stateless because they, they, their nationality is threatened by the state or their stateless refugees.

So, for example, the Rohingyas, who are the ones who are in Myanmar, which is their country, are also either at the risk of losing their nationality because of the actions of the of the state of Myanmar.

But also some are actually stateless too.

And also they are then seeking shelter in Bangladesh, so their stateless refugees in Bangladesh.

And in all of these circumstances, these countries are not signatories to the International Human Rights law framework, the treaties which would provide people these protections.

And so the kind of protection received is then discretionary, is then ad hoc, is not is not very principled, is not based in strong, robust legal provisions.

And speaking about the condition of the Rohingyas in Bangladesh, they have been settled in Cox's Bazar in, in, in places which are very vulnerable to erosion and landslides.

And there have been risks of loss of life and loss of livelihood of the Rohingya refugees in, in in Bangladesh, as well as the proposal that's been floated a few times in Bangladesh, is to relocate the Rohingya refugees from Cox's Bazar to Bhasan Char, which is a riverine island which would be very vulnerable to the to the increasing risk of climate change.

So, yeah, it's because of the lack of robust international protections and adherence to human rights norms that that often various communities, stateless communities find themselves in these in these situations.

Sami Shah:

So how then can we bridge that gap in humanitarian aid when a person's lack of legal status makes them invisible to the state's emergency response systems?

Aashish Yadav:

Yeah.

This is something we discuss in the global recommendations as well, which would be released in a few months.

Uh, These are prepared by the Peter McMullin Centre, where we work, and UNHCR, and where we highlight that states must identify and enumerate stateless persons and also the persons who do not have a recognized nationality status.

So government census exercises must also count stateless persons, as well as the various government climate adaptation plans must take into account where stateless persons reside, so that aid provisions can be available to people facing the threat of climate change.

So humanitarian agencies and the way they implement their plans, their policies, must also take into account, uh, the, the location of stateless persons and their needs.

And, uh, any, any adaptation plans, which, for example, require a planned relocation of communities must also then do this in a principled way rooted in legal protections.

Uh, So they must need to consult stateless persons if they're required to be relocated, uh, and provide them all the provisions, all the support that they require.

Sami Shah:

That's legal protections. But what -- when an extreme weather event destroys a stateless persons livelihood, what social protections, if any, are available to help them recover without legal identity or access to state funds?

Aashish Yadav:

Yeah, I think that becomes very challenging because when we think of social protections, perhaps, you know, it could come, it could be support from the community itself.

But because a lot of stateless persons, especially in the countries you mentioned, so Myanmar, Bangladesh especially are living, uh, in a community where most people do not have adequate support from the state, from the host state, as well as their country of nationality.

They do not have strong, uh, access to livelihood.

They don't have a lot of economic opportunities.

They work in the informal economy, and all of these, uh, sort of social conditions of their existence are threatened by, by climate change.

Further, I mean, they already are already quite vulnerable because of the as you identified, the lack of nationality status, because they perhaps do not have the required identity documents, the required work permits to, you know, do a job to, to, to do the work which they have the skills for which they have the experience for, but they are in a condition where they are working in the informal economy in, in, in low paying jobs, which are, uh, which are not permanent, which do not provide them, uh, strong access to livelihood.

So it becomes quite challenging, uh, generally for stateless persons, but especially when the impacts of climate change strike and communities around them would be able to adapt because they have strong connections, stronger connections, I'd say to the, to, to the, to the spaces where they live in, stateless refugees find themselves more vulnerable than others, uh, in these situations.

Sami Shah:

Radha, you've written that later this year, the Peter MacMullin Centre on Statelessness at the University of Melbourne Law School, together with the UN Refugee Agency, will publish the global recommendations on nationality and statelessness in the context of climate change in order to provide states with concrete steps to safeguard the right to a nationality.

Can you please summarise these recommendations for us?

Radha Govil:

That's right Sami.

So these new global recommendations are really trying to lift awareness and offer states and other stakeholders with a package of policy responses to an issue that we really see has been neglected in the whole conversation around impacts of climate change and the global discussion that has been taking place around climate related mobility.

So what these recommendations do, in a nutshell, is tackle two parts of the problem.

Firstly, as Aashish has noted, there are significant impacts on stateless communities who are already stateless, who are left disproportionately vulnerable in the context of climate related hazards.

And secondly, the global recommendations are trying to tackle the problem of future statelessness, risks of statelessness that are exacerbated by climate related mobility, and the kinds of gaps in laws and policies that are triggered as a result of displacement and migration.

So there are nine key recommendations, um, and they look at different parts of the problem.

So for example, one of the recommendations looks at that disproportionate impact of climate related hazards on existing stateless communities.

And this is typically because they are not officially counted or included in a country's census or, um, climate related adaptation plans, uh, emergency plans, so forth.

So the kinds of practical, uh, suggestions that are made in these recommendations are that states actually, uh, use the tools that are highlighted in the recommendations to get a better grip on understanding who is stateless within their territory, the circumstances in which they are existing, the special needs that they have, particularly where there is, um, for example, uh, issues of gender or age that intersect with the vulnerabilities that are faced by stateless people generally.

And in the context of developing their emergency and adaptation plans to climate change, um, make specific reference to these kinds of groups, uh, and the ways in which they might need to be helped.

Um, Another recommendation, for example, seeks to tackle the very practical problem of key documentation that helps to prove a person's nationality, such as a national ID card or a birth certificate being lost or destroyed in the context of an extreme weather event, like a flood or a fire.

Um, So practical recommendations there, for example, suggest that states should be looking to moving to a fully digitized, uh, civil registration system so that we're not relying on these kinds of paper documents that can easily be lost.

And when a person is in a context of displacement and finds it very difficult to substantiate that they come from a particular country in order to reinforce that they have the nationality of a particular state, there is an electronic record that can be identified rather than relying solely on a paper based document.

Sami Shah:

So finally, then, what could stand in the way of widespread adoption of these recommendations?

Radha Govil:

So a few issues could stand in the way of widespread adoption of these recommendations.

First of all, these are recommendations.

They're not binding rules by any stretch of the imagination.

Uh, We are offering these to states, uh, to consider.

Um, So state it will really be up to states to have the political will, I would say, uh, and the political imagination to understand that this is a serious issue that is connected to climate related hazards and should be part of the package of responses that they're considering, particularly when it comes to climate related displacement.

I think another issue that could stand in the way of adoption of these recommendations is that the issue of statelessness itself is still not well understood.

It is seen as a niche technical issue, despite the fact that, as we've said, there are millions of stateless people around the world.

The fact that these communities are typically amongst the most marginalised and the most vulnerable means that their voices are often not heard in the political debates, and they can therefore be more easily swept under the carpet.

But I think that it is, uh, in the context of climate change being a global phenomenon and the fact that, uh, we look at, uh, the impacts being cross-border displacement that, you know, a country cannot contain this problem necessarily, uh, within its own boundaries that states will need to understand the need to cooperate and work with each other to address the gaps that can lead to statelessness.

Otherwise the problem will be spread and passed on from one country to another.

And finally, I think that for some of these recommendations, there is a question of resourcing.

Uh, So for example, if you do need to move to a digitized, uh, civil registry system that will cost some money, um, and those investments will need to be made and those investments will need to be found.

Uh, But we hope that, um, by disseminating the recommendations, sharing them widely and importantly, working together with states to show them how they can implement these recommendations, or at least the ones that are most relevant for their context, uh, will ease that burden and help states realize that the vast majority of the recommendations can be implemented at low cost with relatively, um, simple and efficient moves that could, uh, permanently, uh, help to avoid the risk of statelessness arising in the future.

Sami Shah:

Our guests have been Associate professor Radha Govil and Aashish Yadav from the Peter McMullin Centre on Statelessness at the Melbourne Law School.

Thank you both.

Aashish Yadav:

Thank you Sami.

Radha Govil:

Thank you very much, Sami, for having us.

Sami Shah:

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I'm Sami Shah.

Thanks for your company.