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## Preface

This book advances two arguments—an old one and a new one. The old argument is that children need to have a demonstrable legal identity to flourish. Without it, they are in effect stateless, and their claims to citizenship, belonging, protection, and inclusion in the community in which they live are compromised. Human-rights instruments—from the Universal Declaration of Human Rights (UDHR) to the Convention on the Rights of the Child (CRC)—have long addressed this issue. So have leading child-rights organizations, such as the United Nations Children’s Fund (UNICEF) and PLAN International. But to my knowledge, despite the current interest in questions of citizenship and statelessness, there has not been a single published book that focuses on the effect of statelessness on children. This book aims to rectify that omission.

The new argument is that statelessness is not just a problem facing children without a nationality—the *de jure* or *legally stateless*. It is also a problem facing two other sizeable groups. One group consists of children whose irregular immigration status renders them *de facto stateless*—stateless in the sense that despite having a nationality, they cannot turn to the state in which they live for protection or assistance. The other group consists of children who have both a nationality and legal status but cannot prove either, typically because their birth is not registered. These children are *effectively stateless*. Without documents, they lack the ability to enforce rights that are denied to them. This book seeks to make a bold and novel claim. It argues that these very differently situated groups of stateless children should be considered together because for the policy and advocacy community, they present a common challenge that urgently needs to be addressed as a fundamental human-rights issue. If it is met, all these children without a state will benefit. A common strategy will have a huge effect. The challenge is to recognize these children as citizens even though they have no political voice and

to deliver on their entitlements to state protection despite the absence of powerful advocacy lobbies pressing their case.

This book grows out of a conference with the same name held at Harvard University in May 2008. About two-thirds of the chapters build on paper presentations. In my opening remarks at the conference, I described the meeting as “something akin to an unlikely and unexpected wedding, the celebration of a marriage with a dubious prognosis.” I pointed out that the bride and groom hailed from very different backgrounds and had little previous mutual understanding. Their spheres of operation and their histories scarcely overlapped. On one side of the church aisle were experts in birth registration and birth certification. These demographers, statisticians, public health experts, and economists working with census data and surveys conduct field work in developing countries such as Nepal, the Dominican Republic, and Mozambique. On the other side of the aisle were experts in migration, voluntary and forced population movements, and national and local state responses to undocumented and irregular populations. These sociologists, education and international relations experts, historians, lawyers, scholars, and advocates work in the richest countries in the world—the industrialized states that form the destination of much contemporary migration. And yet the two parties shared a common interest in children’s civil and political rights (to a legal identity and respect for their family life) and their economic and social rights (to education, health care, and shelter). There was also a common preoccupation with the marginalization of children’s issues, particularly for the populations of stateless children under consideration. And despite the disciplinary divides, many of the participants straddled the world of theory and practice, scholarship and advocacy. They were interested in conducting careful empirical research and then translating it into effective policy through targeted engagement with public discussion and opinion forming. It is for the reader to decide whether the marriage worked and whether our claim that child statelessness needs to be rethought in broader and deeper terms across disciplines and geographical areas is substantiated by the chapters that follow.

Any joint venture such as this relies on much collaboration and team spirit. This book is no exception. Without the conference, there would have been no book, and without the unflagging support of many partners, there would have been no conference. Many Harvard colleagues disproved the accepted wisdom that the only *modus operandi* here is “each tub on its own bottom.” We had generous collaboration from the Graduate School of Education (and Fernando Reimers, in particular),

the Yenching Institute in the Center for Asian Studies, and the Carr Center for Human Rights Policy at the Harvard Kennedy School (particularly Andrea Rossi, who contributed the original idea of including questions of birth registration within the children's-rights agenda). Elizabeth Bartholet and Gerald Neuman at Harvard Law School, Mary Waters at the Harvard department of sociology, and Kenneth Hill at the Harvard School of Public Health participated in the discussions, and the Swiss government and consulate in Boston, Swissnex (and Deputy Consul Emil Wyss, in particular), provided enthusiastic and generous support for developing the children's-rights agenda in the direction we suggested.

The conference organizer from the University Committee on Human Rights Studies, Lauren Herman, contributed with flawless organization, obsessive but never oppressive attention to every detail, and meticulous follow through. A successful conference is not a sufficient condition for a good book. I am very grateful to all the contributors to the book—scholars, policy makers, and advocates—for agreeing to suspend their disbelief, join in this new configuration of the concept of child statelessness, and incorporate it into their thinking and writing. Several contributors graciously succumbed to my persistent pleading and agreed to write chapters despite other obligations and commitments. The book is immeasurably richer as a result, and I am grateful for this. Other contributors defied the challenges of pressing advocacy deadlines and travel schedules to carve out time to write at night and on weekends, and again we are the grateful beneficiaries. Securing the contributions of people working in the field rather than in the academy is crucial for the success and credibility of a project such as this. It is not just the wealth of individual ideas and arguments that I am thankful for. Seeing the contributors generously engage with each others' work and agendas has been one of the real pleasures of completing this book. I am also grateful to Clay Morgan and his colleagues at the MIT Press. I could not have hoped for a more supportive and flexible publisher. They agreed to support this unconventional and ambitious volume and provided solutions and encouragement throughout the process. Four anonymous readers suggested excellent changes, and I hope they see the fruits of their labors reflected in the final version of the manuscript. Two research assistants, Beth Maclin and Kelsey Quigley, also provided invaluable support during the editing process. And as usual, I am the immensely fortunate recipient of sustained intellectual challenges from my husband, Homi Bhabha. They have refined my thinking throughout this project and indeed had

lasting effects on most areas of my life over the last three decades. Last and probably most, I would like to thank my indefatigable and invaluable research assistant and now colleague, Christina Alfrev, who shepherded the contributors toward deadlines with unfailing tact and tenacity. As one of our contributors remarked, she deserves, in addition to praise and gratitude in abundance, an award for diplomacy.

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