

Statelessness is a condition experienced by individuals who are not recognized as citizens or nationals of any country.<sup>1</sup> It is a problem frequently encountered in the developing world – especially states without strong legal frameworks – and can lead to the violation of basic human rights including access to healthcare, education, employment, identity cards and legal documents. This is why stateless populations are frequently referred to as “forgotten people.”

This is a particular issue in Cambodia where nationality laws can be unclear, with complicated guidelines for naturalization processes. One of the most challenging aspects in understanding Cambodia’s nationality law is the inadequacy of definitions for citizenship, specifically regarding “Khmer nationality” and the interchangeability of “Khmer” and “Cambodian.” This is a problem because “Khmer” is often understood to be the major ethnic group of Cambodia, implying that Khmer ethnicity is a prerequisite to citizenship, in spite of the fact that Cambodia includes a number of indigenous minority ethnic groups.

In Cambodia, JRS notes three particular groups who are at risk of statelessness: some Vietnamese communities with long histories in Cambodia, Khmer Krom and refugees.

Many Vietnamese in Cambodia lived along the Tonle Sap for generations before the Pol Pot regime. After being forced to Vietnam between 1974-1979 many lost documentation of their lives in Cambodia, resulting in the loss of residency and citizenship upon their return to the Tonle Sap years later. Some have never regained this, and continue to live unrecognized. Advocating for the right of birth registration is a priority so that future generations can receive nationality, as a lack of awareness on birth registration laws can lead to barriers in education and healthcare for children born to foreigners. This is not a threat to all Vietnamese people in Cambodia, as many others migrate for work.

Cambodia has approved many asylum seekers requiring protection, but they are not guaranteed citizenship. This is particularly concerning for refugees who are *de jure*<sup>2</sup> stateless such as the Rohingya. If they cannot obtain citizenship in the asylum country, and are unlikely to be resettled to a third country, Rohingya in Cambodia are at risk of remaining stateless for generations to come.

Some Khmer Krom find themselves in limbo between citizenship and statelessness, as they are ethnically Cambodian but have lived in a historically Vietnamese territory. This limits their full participation with the rights of nationals in either country – for example Khmer Krom entering Cambodia from Vietnam are not issued identity documents. Khmer Krom attempting to claim asylum in 2005 were determined to already be Cambodian and therefore denied protection.

*A JRS publication by Tori Duoos with Devin Morrow*

\*Recent publications on the issue of stateless Vietnamese are *A Boat Without Anchors* by L. Nguyen and C. Sperfeldt and *To Be Determined: Stories of People Facing Statelessness* by T. Duoos.

<sup>1</sup> UNHCR, “Stateless People.” <http://www.unhcr.org/pages/49c3646c155.html>. Accessed 08 December 2012. “Statelessness refers to the condition of an individual who is not considered as a national by any state. Statelessness occurs for a variety of reasons including discrimination against minority groups in nationality legislation, failure to include all residents in the body of citizens when a state becomes independent (state succession) and conflicts of laws between states.”

<sup>2</sup> UN Convention relating to the Status of Stateless Persons (a.1) defines *de jure* stateless as an individual who is not considered as a national by any state under the operation of its law.