

*Enhancing strategies to end  
statelessness*

**Committee Guide**

*Third Committee of the General Assembly*



## Table of contents

1. Personal Introduction .....	2
2. General introduction .....	3
3. The General Assembly 3rd .....	4
4. Statelessness .....	4
5. The problems of statelessness .....	5
6. Statelessness laws and conventions .....	6
7. What has been done so far .....	8
7.2 International Conventions .....	8
7.3 The UNHCR .....	8
8. Possible solutions and further research tips .....	9
8.2 Research .....	10
9. Sources .....	12

# 1. Personal Introduction

Dear delegates of the awesome GA3rd - committee,

My name is Konstantin Krome and I am honored to serve as one of your chairs during this year's OLMUN. I am 18 years old and currently attending Sixth Form at Gymnasium Melle. This will be my third MUN, third OLMUN and first time chairing. Although I have not attended any other MUN's, I think that the atmosphere at this one is very special. Therefore, I am sure that we will have an amazing time together, in session but during other activities of course, too. If there is something on your mind, just let me know!

English and Politics are both very fascinating to me; therefore, studying subjects like these after having graduated is my wish. Apart from the OLMUN, I am a passionate musician and playing in several ensembles as drummer and percussionist. Moreover, sports like swimming and running are also hobbies I am interested in.

Dear all,

I am Koen Harms and I will be one of the three happy chairs of the GA 3<sup>rd</sup> coming June. Besides that, I am 18 years old and live in the north of the Netherlands. This will be my 3<sup>rd</sup> MUN conference and first time as a chair.

Learning new things is my passion and I love to meet new people as well. These things can be found in the MUN for me. I think OLMUN is special among its fellow associate MUNs because of the warm and enthusiastic mood. In general, MUN is a brilliant concept that has something interesting for everybody with dreams and ideas. So let us dream out loud and let it be a unique week for us all never to forget.

In the meantime I wish you good luck and I look forward to seeing you in June!

Dear Delegates of the General Assembly 3<sup>rd</sup> 2015,

My name is Henriette Beutel and this year I have the honor to be one of the Chairs of the GA 3<sup>rd</sup>. I am 18 years old and currently attending Altes Gymnasium in Oldenburg. This is my fifth MUN over all and the second time that I am chairing a committee.

Two years ago, I spent the first half of the year in Great Britain visiting a boarding school in North Yorkshire. Spending this time in another country with a different culture and such great landscape has been a gorgeous experience for me.

Besides I like doing sports, especially triathlon as well I am interested in politics and science.



Actually I am really looking forward to OLMUN 2015 and cannot wait to see you all and have a great conference.

## 2. General introduction

Dear honourable delegate,

We are delighted to have you in our committee, the General Assembly's Third Committee at OLMUN 2015 and are looking forward to meeting you in June. In order to have a good time and a fruitful debate, a profound preparation is needed. Therefore, we developed this guide to give you a comfortable access to our topic "Enhancing strategies to end Statelessness". Nevertheless, it is just an introduction and does not replace your research!

First of all, make sure that you know the common Rules of Procedure at OLMUN, which can be found in the Download section of [www.olmun.org](http://www.olmun.org). Newcomers to MUN's will learn fast how debating works; nonetheless reading them beforehand makes life a lot easier the first days.

Apart from that, develop your country's position to our topic carefully. Keep possible allies and supporters for your ideas in mind and also take a look at the economic, historic and political background etc. of your country. This provides you with useful additional information and you can put yourself in the shoes of a UN delegate easily.

We ask all of you to send us a **policy statement** via e-mail ([ga3@olmun.org](mailto:ga3@olmun.org)) before the conference takes place. Please do so by **April 6** latest. You will receive feedback on them before the OLMUN begins. Moreover, prepare aspects and **possible operative clauses** you want to have in the resolution.

We expect the P5 members and five non-permanent members to hold a little **opening speech** on the second day of the OLMUN to start our session. At best, you send them together with your policy statement so that we can check them properly. Interested non-P5 delegates can send us their speeches as well and we will choose who will be the lucky five.

Now it is up to you: As you know, a good conference stands or falls by good preparation. Keep in mind that the better you prepare, the better our session will be!

If there is anything on your mind regarding the conference, your preparation or problems of any kind, please let us know and we will find a solution.

With best regards,

Henriette Beutel

Koen Harms

Konstantin Krome



### 3. The General Assembly's 3<sup>rd</sup> Committee

In June, we will simulate the General Assembly's 3<sup>rd</sup> Committee, which can be called the Social, Humanitarian and Cultural Affairs Committee of the United Nations General Assembly as well. In the Third Committee of the GA, all 193 members of the UN are represented and they all have an equal right to have their say. The GA 3<sup>rd</sup> covers a widespread range of topics and dilemmas like the protection of children, the rights of refugees and other humanitarian issues. Therefore, it is important to come up with commonly accepted and sophisticated solutions. As can be seen, part of the range of the GA 3<sup>rd</sup> intersects with the Human Rights Council. This is why the GA 3<sup>rd</sup> works in close collaboration with the HRC.

This year's topic "Enhancing strategies to end statelessness" is a challenging combination in the range of the GA 3<sup>rd</sup>, so we hope for every member to participate actively in provoking debates followed by a brilliant set of solutions.



Source: [www.abc.net.au](http://www.abc.net.au) 1

### 4. Statelessness

In simple terms, you acquire a nationality automatically at birth or you obtain one later in life. Nationality is usually acquired through one of several modes: On the one hand, there is the "ius soli" which means that a country gives nationality through birth on its territory. On the other hand, parents can transmit their nationality to their child, which is called "ius sanguinis". This usually applies regardless where the child was born. Another possibility is to

apply for becoming a national of a country. In this case, your application can be based e.g. on the years of residence.

A stateless person is someone who does not enjoy the legal bond of nationality with any state. The international legal definition relating to the status of those people defines a stateless as "a person who is not considered as a national by any state under the operation of its law" (Article 1 of the 1954 Convention relating to the Status of Stateless People).

To be a stateless person means that you have to face a lot more problems in daily life than normal people. Difficulties with access to healthcare, employment and education are just three examples of several disadvantages that can occur.



UN High Commissioner on Refugees

Statelessness has a various number of reasons, including armed conflicts, emergence of new states and wilful discrimination of ethnic or religious communities.

International organizations like the UNHCR (United Nations High Commissioner for Refugees) and the ENS (European Network on Statelessness) are working on this problem and try to limit the negative impacts. Nevertheless, there is still a lot to be done, facing more than 10 million people worldwide that cannot achieve their full potential.

## 5. The problems of statelessness

Try to be honest: Have you ever heard of statelessness before? Most people do not because it is often referred to as an "invisible problem", hidden and little-understood. Stateless people often remain unseen and unheard; their suffering does not play a major role on the global agenda. However, it is a huge challenge the United Nations have to solve.

Without nationality, you often forfeit the basic rights that citizens enjoy, e.g. access to education, healthcare, the job market and the ability to sell and buy property. Apart from that, you do not even have a legal identity which means you cannot prove that you actually are the person you pass yourself off as. Without documents, it is impossible to register marriage, so family life is also affected. The UN High Commissioner for Refugees, António Guterres, calls the international community to prevent statelessness:



"Statelessness is a profound violation of an individual's human rights. [It] makes people feel like their very existence is a crime."

It is a silent form of exclusion that becomes especially dangerous when thousands of people become stateless for the same reason. This creates communities without rights or power. Over time, they are pushed further to the margins of society where their situation is marked by constant frustration, depression and no possibility to lead a better life. Moreover, it can also undermine the country of residence's power and be an additional factor that destabilizes an armed conflict. An example:

"The conflict in Syria has exacerbated the problem. The UNHCR estimates that some 51,000 Syrian refugee children have been born abroad since 2011, and over 70% of them have not been registered at birth, which may make it difficult for them to prove later that they are citizens of Syria" (Guardian).<sup>1</sup>

## 6. Laws and conventions on Statelessness

In 1948, the Universal Declaration of Human Rights was established. Many countries agreed after the two world wars that some rights were universal and had to be respected at all times, for example the freedom of speech. Article 15 of this declaration states:

*"Everyone has the right to a nationality."*

This refers to a statutory bond between a person and a state, which arise for both sides, both rights and responsibilities in political, economic and social terms - such as the right to vote or conscription. However, stateless women, men and children cannot officially designate a state as their home. This fact means that stateless persons are practically in "legal limbo" because they are not sufficiently protected by national laws. In the worst case, stateless persons do not even have access to education or the labour market. They are not allowed to travel freely and they do not have access to any political participation.

The international legal framework for the right to a nationality and the reduction of statelessness is a highly sensitive issue, because it is an expression of the sovereignty and identity of a country. Therefore it is not surprising that differences on this issue can lead to tensions and conflicts within and between states. During the 20th century the increase of statelessness in the world as well as a growing awareness of human rights was observed. Therefore the international law relating to nationality developed in two respects: the protection and assistance for people who are already

---

<sup>1</sup> <http://www.theguardian.com/world/2014/nov/04/un-refugee-agency-global-campaign-statelessness>

stateless, and the attempts to prevent new cases of statelessness or at least reduce them.

Who determines whether a person is a citizen of a particular country or not? In principle, the question of nationality falls into the domestic jurisdiction of any state. However, the applicability of regulatory decisions of a state is limited by similar sovereign acts of another state and by the international law. In the report of 1923 on citizenship decrees in Tunis and Morocco (Advisory Opinion on the Tunis and Morocco Nationality Decrees), the Permanent Court of International Justice stated:

*"The question of whether a particular matter exclusively subject to the national regulatory power of a state is essentially a relative question; it depends on the development of international relations."*

This basically means that questions of nationality principle fall within the domestic jurisdiction of each state, but must comply with the prescribed by the rules of international law obligations to other states.

This view was repeated seven years later in the Hague Convention on Certain Questions in the conflict of nationality laws.

The Hague Conferences under the auspices of the Assembly of the League of Nations in 1930 was the first international attempt to ensure that all people have a nationality.

Article 1 of the Convention states:

*"Each State shall determine under its own law who are its nationals of. This law shall be accepted by the other states, insofar as it relates international conventions, customary international law and with respect to the nationality of general principles of law in line. "*

That means a state has the right to determine its nationals while observing observe relevant provisions of international law.

During the entire 20th century, these provisions developed gradually towards a greater emphasis on human rights in relation to the appeal to national sovereignty.

Proclaimed in Article 15 of the Universal Declaration of Human Rights of 1948:

*"Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality."*

This right is based on the existence of a genuine and effective binding ("genuine and effective link ") between a person and a state. The first time the International Court of Justice recognised this close relationship as the basis of citizenship in a specific case was the Nottebohm case (1955).

In its judgement, the Court stated:



*"According to State practice, arbitration awards, court decisions and the prevailing doctrine Citizenship are a legal relationship on the basis of social factors of attachment, a genuine connection of existence, interests and feelings, coupled with the presence of reciprocal rights and obligations."*

Actually the real and effective bond, which manifests itself in birth, residence or descent, is well established in the citizenship legislation of most countries and in international conventions on nationality such as the European Convention of 1997.

## **7. What has been done so far**

Statelessness is an unseen problem for many people because we take our nationality for granted. From a global view, it is a very serious problem, for millions of individuals officially do not exist according to formal regulations. Many measures have been taken against this problem so far, but it is very hard to solve the core of the problem, because it takes place mostly in the developing world and because the reasons are so diverse. Some of the national measurements to prevent statelessness will now be discussed in short.

### **7.2 International Conventions**

Some years after the Universal Declaration of Human Rights, the 1954 Convention relating to the Status of Stateless Persons was created as an international agreement on the protection and prevention of stateless persons. Its function is pretty basic as it recognizes the stateless persons and grants them basic human rights without discrimination. Besides that, its name is stating the content of the Convention too, it merely relates to the *status* of stateless persons. The goal of this Convention is to enable stateless people to have an identity so they can study or legally travel to other countries, for example.

Keep the distinction between the Convention relating to the Status of Stateless Persons and the Convention relating to the Status of Refugees in mind. These two documents are not equal in their approach and content.

A decade after this, a complementary convention was initiated by the UN, the 1961 Convention on the Reduction of Statelessness. This convention obviously addresses the reduction of statelessness. A sample of this convention is that stateless persons may take on the nationality of their land of birth. The United Nations High Commissioner for Refugees will grant the required national documents.

### **7.3 The UNHCR**

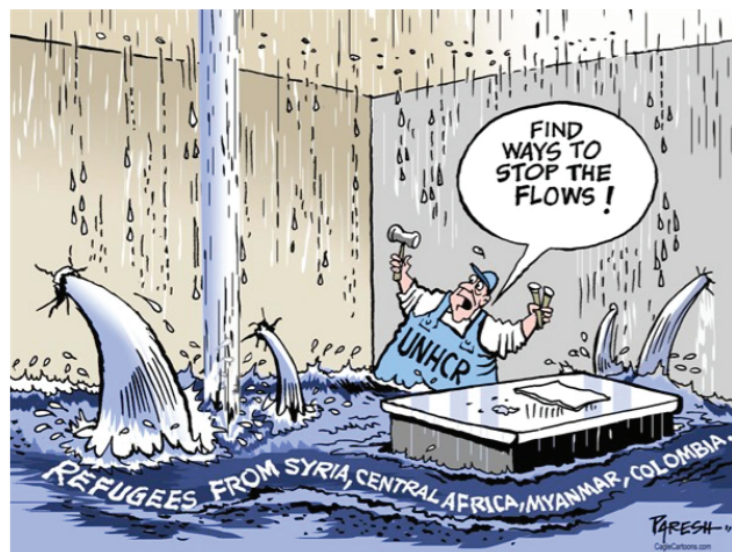
A primary role in the solving of statelessness-related problems is being played by the United Nations High Commissioner for Refugees (UNHCR). It was established in 1950 by the UN General Assembly and serves to protect

refugees and to solve problems concerning refugees worldwide. Rights protected and implemented by the UNHCR are, e.g., the right to seek asylum and the right to find refuge in another State.

Since stateless people are very fragile in their (legal) protection due to the absence of help from their original government, some basic rights cannot be guaranteed to them. The UNHCR tries to guarantee these basic rights to all refugees in its range and helps them settling in other countries if their motherland rejects them. Primary needs for a decent life like water, food, healthcare, safety and if necessary other special needs are granted by the UNHCR as much as possible. All of these actions can be categorized into 4 groups:

- Identification (gathering information and seeing relations),
- Prevention (seeing the causes of statelessness),
- Reduction (establish appropriate measures to end statelessness) and
- Protection (the UNHCR serves as a watchdog in this case).

As can be seen, the UNHCR is very active and broad in its actions to help refugees and thus stateless persons. Unfortunately, the problem is still very present and not all people can be helped by this. For specific information on this subtopic, see the sources listed at the end of the guide.



## 8. Possible solutions and further research tips

The problem may seem a bit abstract but solutions are possible for every country. Most solutions will have to be made in the country in which the



stateless people live because they do not get the appropriate support from their homeland. Some countries are already fighting the problem, for example by granting travel documents which can be used by stateless persons. Other countries use so-called 'statelessness determination procedures' in order to identify stateless people. Many different possible solutions or actions depend on your country's position. The UNHCR is the most active entity in fighting statelessness; its actions may be very helpful to see what is possible. The relationship between the UNHCR and the country you represent may be helpful to look at.

The fact that stateless people are not officially registered, do not have a declaration or are difficult to contact/find makes this problem an administrative challenge. For this reason, many conventions, laws and measures depend on recognizing the stateless persons first in order to solve the problem. Once identified, it is possible to arrange the right documents for stateless people. Every country has other legal backgrounds for this. Some countries are very developed in their way of fighting statelessness though others are only beginning with establishing order in their official registration. Maybe your country hosts many stateless persons or maybe it causes many people to be stateless.

In 2014, the UNHCR launched a Global Action Plan<sup>2</sup> to end statelessness within the next ten years. It sets forth several measures states should take, so it could serve as an inspiration for your own solutions, and you could also take a look at how these measures could be improved and especially implemented even faster.

The complexity of the problem means that it is essential to write a *policy statement* before making your *draft resolution*. So try to establish a detailed position of your represented country for yourself and find out what would be a beneficial solution for it. As stated above, this committee guide merely serves as a step for you to understand the problem. So we strongly advise you to do as much research as possible about different topics on the matter, because the more you know, the more input and power you can give in debate.

## 8.2 Research

The internet will probably be the number one source of information for you as a delegate. This is of course a good thing, but always check your information on multiple sources before stating things out in the open. Just a side-note, Wikipedia is not research. What you can use from Wikipedia are the references at the bottom of every page, but the information on the site itself is sometimes deceitful. To get you started, we added a list of potential helpful links in chapter 9.

Keep in mind when you are thinking of solutions that there is a difference between refugees and stateless people. Though most of the times stateless

---

<sup>2</sup> <http://www.unhcr.org/54621bf49.html>

people are refugees, it does not have to be this way. Sometimes, stateless people are not refugees or vice versa. This may be confusing but if you focus primarily on the laws and treatment of stateless people, you are always right. It could be that this involves refugees as well, but that is not main part of our concern.

For information about establishing a policy statement or draft resolution, contact your MUN director or look for tips on the internet, e.g. in the OLMUN handbook. Many other MUNs across the world publish examples or tips on their websites. Statistics and other numerical facts can of course strengthen your message but are not essential in your statements and resolution. Most important is that you know and understand enough of your country to get its message and position across very effectively.

A good preparation will give you confidence in your speeches, so be elaborate on that. Of course it is possible that there is no valid information of your country. In this case, try to find out the allies, enemies and neighbour countries of your country (because they are certainly on the internet) and work from their perspective towards your own country. Of course you can always contact us too via mail and we will help you with questions about the topic or the OLMUN itself.



*Simon Kneebone*



## 9. Sources

- [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_n o=V-4&chapter=5&lang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_n o=V-4&chapter=5&lang=en)  
The whole convention about human rights and rights of statelessness of chapter 6.
- <http://www.unhcr.org>  
The official site of the UNHCR
- <http://www.unhcr.org/pages/4a2535c3d.html>  
Information about the international conventions on statelessness.
- <http://www.stateless.eu>
- <http://legal.un.org/avl/ha/refugees.html>  
The Audiovisual Library of International Law.
- <http://www.ohchr.org/Documents/ProfessionalInterest/statelessness.pdf>  
The international convention on the Reduction of Statelessness.
- <http://www.theguardian.com/world/2014/nov/04/un-refugee-agency-global-campaign-statelessness>  
An article about statelessness and the UNHCR.
- <http://www.unhcr.org/54621bf49.html>  
The Global Action Plan by the UNHCR.