

Committee guide for the Special Conference at OLMUN 2021
Ensuring a Life Worth Living Through Protecting the Human Rights of
Stateless People

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Personal Introduction

Hi everyone,

My name is Herdem Yaz Bölükbaşı, I'm a student at FMV Ayazağa Işık Science High school and I will chair the Special Conference with Johannes this year. I am 16 years old and I live in Istanbul, Turkey. I am currently in 11th grade and studying for my AP and university entrance exams.

I enjoy drawing and sculpting. I also enjoy playing video games and reading things about space. That is one of the main reasons why I want to study physics at university. Furthermore, I also really like watching series and Youtube videos.

I have been doing Model UN since 2019 and this conference will be my 14th conference and 3rd OLMUN. I am excited to chair this committee and can't wait to meet you guys!

Yours,
Yaz

Hey :)

My name is Johannes Tromm and I'm 19 years old. I'm from Bochum in western Germany and I currently work at a hospital as an assistant in nursing care but will be a med student in Berlin when you'll read this study guide.

I love music and sports. I play both basketball and tennis and started to go running during lockdown 1.0. Additionally, I also enjoy singing and playing the piano as well as the viola.

This year's conference will be my second MUN and also my second time attending OLMUN. I'm looking forward to chairing this year's Special Conference with Yaz and am very excited for many interesting discussions to take place.

Yours,
Jojo

How to use this guide?

The committee guide is supposed to give you a brief introduction to the topic of this year's Special Conference at OLMUN. This guide will offer definitions of certain terms which are fundamental for understanding the topic. It will also give you some insight into the matter and present previously suggested or enacted solutions to the issue as well as other ideas.

Finally, it will give you some advice on which questions your draft resolution should answer while also offering you our sources of information and helpful links for your research.

It is very important to mention that this committee guide shouldn't be your only OLMUN preparation. You should also do research yourself to find out more about your delegation's position on the issue. When getting information about the country that you are representing you should find the answers to the questions such as but not limited to:

- Which countries are my countries allies?
- What type of government does my country have?
- How would you describe the quality of life in your country?
- When was your country established?

(You can find relevant questions with this link: <https://bestdelegate.com/research/>)

We would also recommend you read the Rules of Procedure (ROP) of the Model UN before coming to the conference especially if you are a first-timer. We will go over the rules before and during the committee sessions but it will be beneficial for you to familiarize yourself with the procedure. Even if you are not a first-timer we would still recommend you to check out the rules at least once as the ROP of OLMUN may differ from other MUN conferences.

(This is the link for OLMUN ROP:

https://www.olmun.org/uploads/2019/Documents/rulesofprocedure/RoP_OLMUN_2019.pdf)

Committee Introduction

Fundamental administrative bodies of the United Nations (UN) include the General Assembly, the United Nations Security Council, the United Nations Secretariat, the International Court of Justice and the Economic and Social Council. These units can work with the 15 Specialized Agencies of the United Nations. These agencies are autonomous legal entities that function under the umbrella of the UN and have their own specialized procedure, governing body, membership and funding mechanisms. Some of these agencies even predate the UN and were incorporated into it after World War 2. Similar to the committees of the General Assembly these agencies are only entrusted with specific topics and agendas. These agencies include the World Bank, the International Monetary Fund and the International Labour Organization. While simulating these agencies the Model UN (MUN) can gather all of them to create the Special Conference. This makes the debate of more obscure topics of UN more accessible in the sense of high school-level MUN. Because the Special Conference is the amalgamation of different agencies it does not have to rely on a certain main topic in order to discuss other sub-topics. So, the area of interest of the Special Conference changes every year.

Sadly, this year's OLMUN conference as well as the Special Conference will take place mostly online due to the pandemic. The OLMUN staff is currently deciding on which tools they want to use to make the most of this situation. We don't have more information at the moment and even though we hoped for OLMUN to be as normal as possible, it will still be fun!

Introducing the Topic

One of the first things you ask when you meet someone new is their nationality. Because we see it as something no different than someone's eye or hair colour, we forget that people without nationalities exist. By international law, a stateless person is defined as a person that is not recognised as a national by any country. Currently, there are 12 million stateless individuals on the planet. As they are not recognized by any state, stateless people can not benefit from any

basic right of citizenship. Basic socio-economic rights such as healthcare, education or housing are often not accessible for stateless people. Also, stateless people are left out of society. The communities of stateless people are often alienated and discriminated against. Most of these people are either homeless or live in slums.

Due to its devastating consequences for individuals, statelessness is outlawed by the Universal Declaration of Human Rights as the document states that "everyone has the right to a nationality" (Article 15).

Important Definitions

Statelessness

Statelessness is when an individual is not considered as a national by any state under the law. Statelessness can occur due to many factors which include: gaps in nationality gaps, displacement and discriminatory laws.

https://en.wikipedia.org/wiki/Statelessness#Conflict_of_law

Nationality

According to international law, nationality is an individual's legal identification determined by the independent state they live in. Under Article 15 of the Universal Declaration of Human Rights, every individual shall have the right to have a nationality.

<https://en.wikipedia.org/wiki/Nationality>



Refugees

Refugees are usually people who were somehow left displaced and were forced to seek asylum in other countries. You have to keep in mind that a stateless person and a refugee is not the same thing. Even though a lot of stateless people are also refugees, not every refugee is stateless.

<https://en.wikipedia.org/wiki/Refugee>

Non-state territories

Non-state territories are occupied territories or regions that were not accepted as a state by the United Nations. For example, Palestinian Territories and Western Sahara can be considered as non-state territories.

https://en.wikipedia.org/wiki/List_of_states_with_limited_recognition

Stateless Nations

Stateless nations are ethnic groups that do not have their own state or are not the majority in any state. Under the three-world-model system, stateless nations are classified as an extension: fourth-world nations. Uyghur people, Catalans, Kurdish people and Tamils can be considered stateless nations.

https://en.wikipedia.org/wiki/Stateless_nation#Claims_of_stateless_nations_and_ethnic_groups_with_autonomous_status

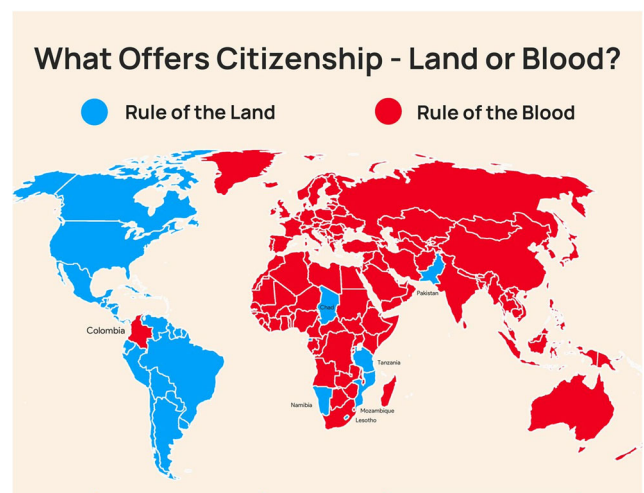
Understanding the Topic

What causes statelessness?

As mentioned before the gaps in nationality laws can cause statelessness. Nationality is usually gained through two main ways: jus soli and jus sanguinis. Jus soli or right of soil is a type of nationality law in which nationality is acquired through birth on the territory of a state. Countries such as Grenada and Saint Vincent and the Grenadines have this kind of nationality law.

Jus sanguinis or the right of blood on the other hand is a type of nationality law in which an

individual gains nationality through a parent. Jus sanguinis is most common in European



states. While jus soli prevents statelessness in many cases, jus sanguinis can cause loopholes that leave individuals stateless. In some cases, the descendants of individuals that are from countries with jus sanguinis can be left stateless if they are born abroad. Also, some types of jus sanguinis can discriminate by sex. For example, in 27 countries women can not pass their nationality onto their children. If one parent can not pass their nationality and the other parent is stateless or unknown, their children will be left stateless.

Another way a person can be left stateless is through discrimination. Some states refer to their citizens through only one ethnicity. These kinds of referrals can be advantageous if it is used to unify a country. (especially if that country is ethnically homogeneous) But in many cases, it causes minority groups to feel left out and ostracized. Sometimes, it goes beyond only referrals when states decide to base their nationality laws on one ethnicity. Even though deprivation of citizenship based on race or ethnicity is against international law, many states still do it. For example, in Myanmar, the status of citizenship of Rohingya people have been curtailed by the government. As a result of this, Myanmar is currently the country with the biggest amount of stateless individuals. Statelessness through discrimination is especially dangerous as it can leave a large group of people stateless in a very short amount of time.

The last reason to discuss is the existence of non-state territories. Non-state territories are regions that were occupied by a certain group of people that could not reach the status of statehood. As these territories are not considered as states by the United Nations, they can not grant citizenship. As a result of this, people living in these territories are considered stateless. The biggest example of this phenomenon is Palestine. Palestine is only recognized as an observatory state. Because Palestine is not considered to be a legal state by the United Nations, currently half of all Palestinians are stateless. Similar to the previous reason discussed, non-state territories also leave a lot of people stateless, very quickly.

Keep in mind that there are a lot more reasons for statelessness. As a committee, you should find and discuss the rest yourself.

What are the consequences of statelessness?

Statelessness can create major problems for the stateless people themselves and the regions they accommodate in. Being a legal member of a nation gives an individual various responsibilities but also advantages. Without having legal citizenship a person can not have basic political and civil rights. So, stateless people do not have rights such as but not limited to freedom of movement, freedom of political participation or freedom from arbitrary detention. Under these circumstances, stateless people have no political presence in the region they accommodate in.

Besides civil and political rights, stateless people also do not have the most basic rights that a legal state can offer: socio-economic rights. Statelessness can affect the rights of education, healthcare, employment, welfare and housing. Also, most of them are excluded



from social safety nets provided by the government. So they can not earn money because they do not have the rights to get a job and when they suffer from poverty they have no social safety nets to protect them.

When a lot of people are left stateless in one certain region, that region starts to encounter some problems as well. In most cases, the groups of stateless people are isolated, discriminated against and ostracized. If these tensions happen to rise, major conflicts can occur. Such events naturally put the lives of the residents of the region in jeopardy.

Major Parties Involved

Kuwait

The number of stateless people living in Kuwait varies between 120.000 and 200.000 depending on the source. Most of them are Arabs who have been denied citizenship in the 1960s (or their descendants). While the government of Kuwait has recently given the so-called “Bedoons” (Arabic for “without”) some conditional rights and has also tried to improve their overall standard of living, the stateless people living in Kuwait (and especially women) have been discriminated against and were not able to access education or employment as a result of their lack of legal documents. Additionally, there are even reports of stateless people being deported and being forced to sign documents so that neither them nor their families can gain citizenship in the future.

The Dominican Republic

Even though the Dominican Republic is a county that practices jus soli, an amendment passed by the Dominican high court in 2013 declared that people who were born “in transit” do not have the right of soil. This means that even though every individual born in the Dominican Republic is considered a citizen, people who are born in different parts of the world that later came to the country will not be granted citizenship. For example, children of

ex-pats will not be considered citizens. This meant that 200.000 Haitian immigrants would have their citizenship taken away from them. Even though some of them have been living there for over 80 years.

Myanmar

Myanmar is currently the host for the largest group of stateless people in the world. The country is home to almost 495.939 stateless individuals. The main reason for this number is the discriminatory nationality laws and policies imposed on Rohingya people by the Burmese government. Besides having gaps in Myanmar's Citizenship Law, the country has clearly stated that Rohingya people do not belong to Myanmar. Keep in mind that the main displacement crisis in Myanmar took place quite recently, so keeping up with more recent news is highly necessary when it comes to discussing this topic.

Palestine, Israel and the Arab League

Even though the state of Palestine has been allowed to issue passports to its citizens living in the West Bank and the Gaza Strip, many countries do accept them as travelling documents but do not accept them as proof of citizenship. In this case, the definition of a Palestinian as a stateless person depends on the position of every single nation on the statehood of Palestine.

Although the state of Israel has offered Palestinians living in Eastern Jerusalem Israeli citizenship after the Six-Day War in 1967 and the annexation of the Eastern half of the city by Israel, most Palestinians have declined the offer for ideological reasons, leaving them stateless as a result.

Additionally, Palestinians living in Lebanon and Syria as well as some other members of the Arab league have constitutionally been denied the citizenship of these countries over many years.

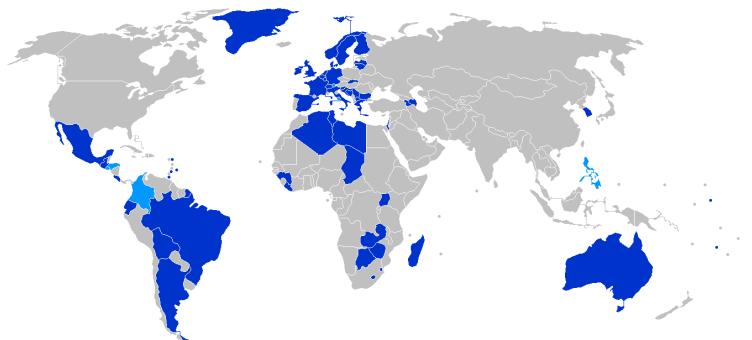
Solving the Issue

Previous Attempts to Solve the Issue

The first effort on the matter of statelessness by the United Nations was the Convention Relating to the Status of Stateless People which was adopted by the General Assembly on 28 September 1954. The Convention defined a stateless person as "a person who is not considered as a national by any State under the operation of its law" (Chapter 1 Article 1.1) with only a few exceptions (for example "persons [...] to whom there are serious reasons for

considering that [t]hey have committed a crime against peace, a war crime, or a crime against humanity” (Chapter 1 Articles 1.2.iii and 1.2.iii.a)). The Convention aims to protect the most fundamental rights of stateless people by calling upon the parties involved to treat them at least like aliens (Chapter 1 Article 7) or to even grant stateless people the same rights as nationals from the respective country in some cases. For example, the Convention allows stateless people to exercise the freedom of movement (Chapter 5 Article 26) as well as the right of association on the level of aliens (Chapter 2 Article 15) and it protects them from discrimination in terms of fiscal charges by the government in their country of residence (Chapter 5 Article 29). Furthermore, it also secures stateless people’s rights to property (Chapter 2 Article 13) as well as intellectual property (Chapter 2 Article 14) on the level of nationals, “Gainful Employment” on the level of aliens (Chapter 3) and protects them from being expelled by their country of residence except on grounds of national security or public order (Chapter 5 Article 31). Additionally, it also guarantees stateless people a right to an identity, travel documents (Chapter 5 Article 28) and administrative assistance (Chapter 5 Article 25). The countries that are marked with blue colour in the picture on the right-hand side have signed the Convention.

On the basis of the Convention of 1954, the UN organs developed various policies to protect the rights of stateless people in the following years. The most important one being the 1961 Convention on the Reduction of Statelessness which was adopted by the General Assembly in 1961, but entered into force on 13 December 1975. It complements the 1954 Convention Relating to the Status of Stateless People, thus completing the legal framework for statelessness.

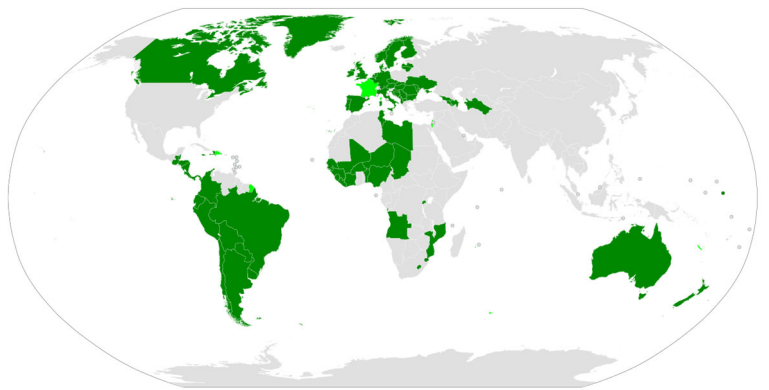


The 1961 Convention focuses on the prevention of statelessness at birth as it requires nations to grant their citizenship to everybody born on their territory (*jus soli*; Article 1a) or to the children of their nationals who are born abroad and otherwise would be stateless (*jus sanguinis*; Article 1b). In the latter context, citizenship can be issued automatically at birth or upon application. The Convention also prevents people from becoming stateless by prohibiting the practice of withdrawing citizenship when the withdrawal would subsequently lead to statelessness (Articles 7 and 8) or when the withdrawal takes place “on racial, ethnic, religious or political grounds” (Article 9). Last but not least, it also prevents people from becoming stateless in the context of transferring territory (Article 10). The countries shown in green in the image on the right-hand side, have signed and ratified the 1961 Convention,

France has signed, but not ratified it and the countries shown in grey have neither signed nor ratified the Convention.

Most recently, the United Nations High Commissioner for Refugees (UNHCR) has launched the “#ibelong” campaign in November 2014. The goal of the campaign is to end statelessness until 2024 “by identifying and protecting stateless people, resolving existing situations of statelessness and preventing the emergence of new cases” (UNHCR website). The plan includes ten actions that are supposed to have been or get implemented between 2014 and 2024 which need to be done to end statelessness. The actions are “[r]esolv[ing] major situations of statelessness” (Action

1), “[e]nsur[ing] that no child is born stateless” (Action 2), “[r]emoving gender discrimination from national laws” (Action 3), “[p]revent[ing] denial, loss or deprivation of nationality on discriminatory grounds” (Action 4), “[p]revent[ing] statelessness in cases of state succession” (Action 5), “[g]rant[ing] protection status to stateless migrants



and facilitate their naturalization” (Action 6), “[e]nsuring birth registration for the prevention of statelessness” (Action 7), “[i]ssue[ing] nationality documentation to those with entitlement to it” (Action 8), “[a]cced[ing] to the UN Statelessness Conventions” (Action 9) and “[i]mprov[ing] quantitative and qualitative data on stateless populations” (Action 10). These actions are interrelated with each other and do not need to be implemented in every single country, but rather offer some guidelines to the international community. They are especially supposed to lead more countries to signing and ratifying the 1954 and 1961 Conventions as a result. The UNHCR also encourages all nations to develop a more detailed “National Action Plan[s]” which may include country-specific measures to fight statelessness.

Possible Solutions

The issue of statelessness is a problem that can be solved on various levels. Your delegation may focus on promoting the rights of stateless people without granting them citizenship in the process or you may also try to convince other delegates to change the boundaries for stateless people trying to gain citizenship. On the one hand, nations with very conservative or even right-wing governments would probably not be willing to grant stateless people citizenship and would maybe even try to hinder an attempt to promote their rights. On the other hand, more moderately or progressively thinking countries would probably be more

willing to promote stateless people's rights and even grant them citizenship. Your delegation's position also depends on the question of how much your country and its people are affected by statelessness and whether historic events may influence their point of view.

Questions a Resolution Should Answer

- What are the factors for someone to become stateless?
- Is there a need to change the legal framework of statelessness?
- How can previous documents, resolutions, agreements and conventions about the topic be implemented more effectively?
- Is there a need for a new mechanism or organization to solve the issue?
- Should this issue get solved regionally or internationally?

Sources and Helpful Links

<https://www.unhcr.org/ibelong/wp-content/uploads/UNHCR-Statelessness-2pager-ENG.pdf>

https://en.wikipedia.org/wiki/Rohingya_people#Human_rights_and_refugee_status

https://en.wikipedia.org/wiki/List_of_states_with_limited_recognition

<https://en.wikipedia.org/wiki/Nationality>

<https://en.wikipedia.org/wiki/Refugee>

https://en.wikipedia.org/wiki/Statelessness#Conflict_of_law

https://en.wikipedia.org/wiki/Convention_Relating_to_the_Status_of_Stateless_Persons

<https://www.unhcr.org/un-conventions-on-statelessness.html>

<https://www.unhcr.org/protection/statelessness/3bbb25729/convention-relating-status-stateless-persons.html>

<https://www.unhcr.org/protection/statelessness/3bbb286d8/convention-reduction-statelessness.html>

<https://statelessjourneys.org/resources/statelessness-in-myanmar/#:~:text=The%20country%20is%20also%20home,gaps%20in%20Myanmar's%20Citizenship%20Law.>

Links to help you find information about your country:

http://news.bbc.co.uk/2/hi/country_profiles/

<https://www.cia.gov/the-world-factbook/>

<https://www.g20.org/>

<https://bestdelegate.com/researchmap/>

<https://www.library.northwestern.edu/libraries-collections/government-collection/index.html>

(Government websites are also helpful when you try to find out more about your delegation's opinion on the topic.)

Links to help you find information about recent news

<https://news.un.org/en/>

<https://www.aljazeera.com/>

<https://www.bbc.com/news>

<https://edition.cnn.com/>

<https://www.wsj.com/>

<https://www.washingtonpost.com/>