

BACKGROUND GUIDE

Special Political and Decolonization Committee (SPECPOL)

“Addressing the Issue of Statelessness and the Rights of Stateless Persons.”

Contents

- Letter from EB – 3
- Introduction – 4
- Historical Context – 5
- Case Study – 6
- International Framework – 9
- QARMA – 13
- Bibliography - 14

Letter from EB

I hope this message finds you well. It is with great enthusiasm that I welcome you all KLE Model United Nations Conference 2024 for the upcoming session of the Special Political and Decolonization Committee. As the Chair, it is my privilege and honor to guide our discussions on an issue that is of paramount importance.

Our goal in this session will be to examine the challenges of the agenda comprehensively and to explore effective solutions that will enhance the current scenario while respecting international law and human rights. I look forward to your active participation and contributions which I am sure will be vital to the success of our deliberations. I encourage you to bring forward well-researched positions, innovative ideas, and a collaborative spirit. Together, we can work towards creating an everlasting impact by formulating robust solutions.

Best wishes,

Subodh S Katti

Chair, SPECPOL Committee

Introduction

- Statelessness arises in a variety of contexts. It occurs in migratory situations, for example, among some expatriates who lose or are deprived of their nationality without having acquired the nationality of a country of habitual residence.
- Most stateless persons, however, have never crossed borders and find themselves in their “own country”. Their predicament exists in situ, that is in the country of their long-term residence, in many cases the country of their birth. For these individuals, statelessness is often the result of problems in the framing and implementation of nationality laws.
- The United Nations estimates that around 12 million people worldwide are stateless, though the actual figure could be significantly higher. Stateless individuals face a range of daily challenges, often marginalized and living without the protection or recognition of a state, making them vulnerable to exploitation. Tackling statelessness is essential for achieving the Sustainable Development Goals (SDGs), especially SDG 16, which seeks to promote peace, justice, and effective institutions by ensuring legal identity for everyone, including universal birth registration.

Historical Context

- After World War II, significant population displacements and shifts in borders left many people, particularly in Europe, without nationality. Recognizing this issue, the United Nations responded by establishing the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
- In the aftermath of the Second World War the need for international action to protect stateless persons and refugees came to the fore. As such, the 1954 Convention relating to the Status of Stateless Persons shares the same origins as the 1951 Convention relating to the Status of Refugees. It was initially conceived as a draft protocol to the refugee treaty. However, when the 1951 Convention was adopted, the protocol was left in draft form and referred to a separate negotiating conference where it was transformed into a self-standing treaty concerning stateless persons.
- The Decolonization Era (1950s-1970s) and Breakup of the Soviet Union and Yugoslavia resulted in new states forming, with millions becoming stateless due to conflicting nationality laws, minority ethnic status and different religious practices.

Case Study – Rohingya Crisis

- Over the course of her life, Za Beda, a 27-year-old Rohingya woman living in Myanmar's western Rakhine State, has had to adapt to increasing restrictions on her rights and freedoms.
- In 2012, intercommunal clashes rocked Rakhine State. Za Beda was 17 at the time and had just started her own family. Together with tens of thousands of others, they were forced to flee.
- A decade later, over 153,000 Rohingya like her remain displaced, the majority of them confined to camps. An additional 447,000 live in villages where they have little freedom of movement, affecting their ability to obtain healthcare, attend school or make a living. Another 700,000 Rohingya fled a further round of violence in 2017 and now live as refugees in Bangladesh and elsewhere in the region.
- Restrictions on the amount of land the camps can occupy have meant that many are unable to expand to accommodate growing populations. Living in a crowded camp with limited sanitation facilities and a growing family has brought hardships for Za Beda. “I have difficulties sleeping because there is not enough space for the eight of us in our shelter. I often go to my neighbor's house to sleep,” she says.

- Access to healthcare is an additional challenge. Now enduring a difficult pregnancy with her third child, Za Beda is unwilling to seek medical care due to a cumbersome and costly administrative process involving the need for approval from local administrators, male escorts, and navigating security checkpoints where extortion is common.
- “I get upset when complications occur during childbirth,” says Hassinah Begom, a midwife who attends to the needs of Za Beda and other pregnant women in the camp. Despite not having had any formal training, she has successfully delivered over 500 children during her two-decade career and is often the first person mothers call on when they need assistance.
- “In serious cases, I have to quickly accompany them to the hospital. We cannot leave if it is past 6pm because of the curfew. When we do go, only one person is allowed to accompany the patient, and we are not allowed to bring our phones. We also pay higher prices for medication,” says Begum. “Thankfully, no mother has died under my care.”
- Policies such as denying equal access to citizenship and essential services, as well as movement restrictions, have kept the Rohingya marginalized and highly dependent on humanitarian aid. “No amount of aid is enough to solve the crisis,” says Federico Sersale, UNHCR’s head of office in Sittwe, the Rakhine state capital. “While it is imperative to assist, access to rights and freedoms, social cohesion between communities, the closure of camps, and allowing the Rohingya to return to their homes or places of choice are crucial to lasting solutions.”

- Even after giving birth with little or no medical care, women living in the camps continue to worry for their children. Birth certificates are rarely issued to Rohingya children, a key document that provides them with a legal identity.
- Restricting the Rohingya's access to civil documents like birth certificates has long term consequences. As children grow up, they are unable to acquire other important identity documents such as national registration cards, leaving them legally and administratively invisible. This in turn jeopardizes their future prospects, limits their freedom of movement and traps them in a cycle of poverty and marginalization.
- While primary education is often provided by humanitarian agencies for free inside camps, state-run high schools are often located far from camps and segregated from other communities. School fees and transportation costs add to the financial strain faced by cash-strapped families, a situation exacerbated by the lack of employment opportunities.
- Reflecting on the difficulties faced in her own life and those of her children, Za Beda worries about the future. "I feel sad and unhappy with the situation ... I cannot imagine what life will be like when the children grow up," she says.

International Framework – 1954 Convention Relating to the Status of Stateless Persons

- The 1954 Convention relating to the Status of Stateless Persons lies at the heart of the international regime for protection of stateless persons. It establishes the universal definition of a “stateless person” and provides a core set of principles for their treatment. The Convention’s framework is as relevant today as it was at the time of the treaty’s adoption and has been complemented by developments in international human rights law.
- Whilst the 1961 Convention on the Reduction of Statelessness provides a comprehensive set of tools for eradicating statelessness, the 1954 Convention ensures that those who find themselves stateless need not be consigned to a life without dignity and security. The increased focus on statelessness can also be seen in the rise in the number of countries establishing statelessness determination procedures. Whilst such procedures may only be appropriate for the minority of the world’s stateless persons who are in a migratory situation, they are nevertheless critical, providing a route to a status consistent with the standards both of the 1954 Convention and international human rights law.

- A different approach is called for in the case of stateless persons who are in their own country, recognizing their profound connection with that State through, for example, birth or longstanding residence. States are increasingly aware of the benefits, not just to the individuals concerned, but for the stability and cohesiveness of their societies generally, of undertaking law and policy reforms to grant nationality to such persons.
- The 1954 Convention remains the only international treaty aimed specifically at regulating the standards of treatment for stateless persons. The Convention, therefore, is of critical importance in ensuring the protection of this vulnerable group.

1961 convention on the reduction of statelessness

- The Convention on the Reduction of Statelessness was adopted on 30 August 1961 and entered into force on 13 December 1975. It complements the 1954 Convention relating to the Status of Stateless Persons and was the result of over a decade of international negotiations on how to avoid the incidence of statelessness.
- Together, these two treaties form the foundation of the international legal framework to address statelessness, a phenomenon which continues to adversely affect the lives of millions of people around the world. The 1961 Convention is the leading international instrument that sets rules for the conferral and non-withdrawal of citizenship to prevent cases of statelessness from arising. By setting out rules to limit the occurrence of statelessness, the Convention gives effect to article 15 of the Universal Declaration of Human Rights which recognizes that “everyone has the right to a nationality.”

- Underlying the 1961 Convention is the notion that while States maintain the right to elaborate the content of their nationality laws, they must do so in compliance with international norms relating to nationality, including the principle that statelessness should be avoided.
- By adopting the 1961 Convention safeguards that prevent statelessness, States contribute to the reduction of statelessness over time. The Convention seeks to balance the rights of individuals with the interests of States by setting out general rules for the prevention of statelessness, and simultaneously allowing some exceptions to those rules.

Questions a resolution must answer

- What are the most effective strategies to motivate countries to ratify and implement the 1954 and 1961 Conventions on Statelessness?
- How can countries affected by conflict be assisted in preventing and addressing statelessness, particularly among displaced populations?
- How can states reconcile national security concerns with the obligation to grant legal status to stateless individuals?
- How can existing legal and bureaucratic obstacles that hinder stateless persons from exercising their rights be overcome, even in countries that have already ratified international conventions?
- What steps can be taken to ensure that stateless persons, especially women and children, are given a platform to voice their concerns and participate in decision-making processes related to their rights and status?

Bibliography

- https://www.unhcr.org/dach/wp-content/uploads/sites/27/2017/04/CH-UNHCR_Handbook-on-Protection-of-Stateless-Persons.pdf
- <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-stateless-persons>
- <https://www.unhcr.org/in/news/stories/stateless-rohingya-continue-struggle-survival-myanmar>
- <https://www.refworld.org/reference/research/unhcr/2010/en/76679>
- https://www.unhcr.org/ibelong/wp-content/uploads/1961-Convention-on-the-reduction-of-Statelessness_ENG.pdf