

**Forum:** Legal Committee (GA6)

**Issue:** Reviewing the case of non-jus soli (stateless people)

**Student Officer:** Natasha Panagiotou

**Position:** Chair

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## INTRODUCTION

The case of non-jus soli, also known as stateless people, is a topic that has been troubling nations for decades. The existence of stateless minorities is usually characterized by discrimination, exclusion, and persecution. A stateless person does not have citizenship, so there is no legal connection with the government. Since they do not have citizenship, they are not recognized with any specific legal rights and duties which are set by national law. Around 15 million people are stateless globally.<sup>1</sup>

In order to tackle the issue of statelessness it is important to understand the causes behind it. There are 5 types of citizenship, by birth, by marriage, by registration, by naturalization and by honorary conferment.<sup>2</sup> If someone does not have citizenship upon birth, it is very difficult to legally acquire one. There is a lengthy legal process that takes a long time to be completed. Taking that into consideration, it is very important that a way is found to protect non-jus soli and a way to speed up and simplify the process of getting an ethnicity. Migrants and non-jus soli will be able to follow a simple process which will grant them a citizenship.

Non-jus soli meet a lot of difficulties in their daily life and that is what makes this subject very important for the United Nations (UN) to take action. Such problems are the lack of legal protection, no right to vote, and lack of access to education in many cases. Unemployment is common among stateless people. Non-jus soli cannot enjoy the right to public healthcare, registration of birth, death, or marriage as well as property rights. Stateless people also encounter issues with travel restrictions, social exclusion, exploitation, human trafficking, forced displacement and other kinds of abuse.<sup>3</sup>

Measures such as the draft of conventions and updates of legal frameworks have been taken in order to tackle the issue of statelessness. Moreover, there have been campaigns and actions by a variety of commissions and agencies that aimed to raise awareness on the issue and

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[https://law.unimelb.edu.au/\\_data/assets/pdf\\_file/0007/3489676/Statelessness\\_overview\\_factsheet\\_Sept\\_2020.pdf](https://law.unimelb.edu.au/_data/assets/pdf_file/0007/3489676/Statelessness_overview_factsheet_Sept_2020.pdf)

<sup>2</sup> Keypoint. "Types of Citizenship - Civic Keypoint." Keypoint, 14 Sept. 2022, [keypoint.ng/types-of-citizenship-2/#:~:text=\(i\)%20By%20birth%2C%20\(v\)%20By%20honorary%20conferment](https://www.keypoint.ng/types-of-citizenship-2/#:~:text=(i)%20By%20birth%2C%20(v)%20By%20honorary%20conferment)

<sup>3</sup> "Statelessness - United States Department of State." U.S. Department of State, 1 Dec. 2020,

[www.state.gov/other-policy-issues/statelessness/#:~:text=What%20Are%20the%20Consequences%20That,or%20death%2C%20and%20property%20rights.](https://www.state.gov/other-policy-issues/statelessness/#:~:text=What%20Are%20the%20Consequences%20That,or%20death%2C%20and%20property%20rights.)

get more nations to acknowledge the issue. Even though there has been a lot of action toward the elimination of statelessness, more measures need to be taken at an international and national levels to completely tackle the problem. Thus, the topic at hand is closely linked to the theme of this year's DSAMUN conference, ethics, as the issue of statelessness is a violation of human rights and in many cases stateless people are treated inhumanely and immediate intervention is necessary.

## DEFINITION OF KEY-TERMS

### Jus soli

A rule of the law that dictates that a child's citizenship is determined by his or her place of birth<sup>4</sup>

### Citizenship

Legal status and the relation between an individual and a state that entails specific legal rights and duties.<sup>5</sup>

### Nationality

The country (or countries) of which a person holds citizenship.<sup>6</sup>

### Renunciation of Nationality

Renunciation is the act of voluntarily withdrawing your citizenship. This means that someone no longer has rights or responsibilities as a citizen. In that case, someone either acquires another citizenship or becomes stateless.<sup>7</sup>

### Ad Hoc Committee

Ad hoc committees are established for a limited time and to address a specific issue.<sup>8</sup>

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<sup>4</sup> "Jus soli." Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/jus%20soli>. Accessed 22 Jun. 2023.

<sup>5</sup> "What is Citizenship?" Center for the Study of Citizenship, 18 Jan. 2023, [csc.wayne.edu/what-is-citizenship#:~:text=realm%20of%20citizenship.-,Definition%20of%20citizenship,as%](https://csc.wayne.edu/what-is-citizenship#:~:text=realm%20of%20citizenship.-,Definition%20of%20citizenship,as%20)

<sup>6</sup> "Country of Nationality." Migration and Home Affairs, [https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/country-nationality\\_en#:~:text=Definition\(s\),citizenshipEN%E2%80%A2%E2%80%A2%E2%80%A2%20](https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/country-nationality_en#:~:text=Definition(s),citizenshipEN%E2%80%A2%E2%80%A2%E2%80%A2%20)

<sup>7</sup> "Renounce or Lose Your Citizenship." USA Gov, [www.usa.gov/renounce-lose-citizenship#:~:text=Renouncing%20or%20losing%20your%20citizenship,nation%20or%20risk%20becoming%20%22stateless%22](https://www.usa.gov/renounce-lose-citizenship#:~:text=Renouncing%20or%20losing%20your%20citizenship,nation%20or%20risk%20becoming%20%22stateless%22).

<sup>8</sup> "Standing and Ad Hoc Committees Security Council." United Nations, [www.un.org/securitycouncil/content/repertoire/standing-and-ad-hoc-](https://www.un.org/securitycouncil/content/repertoire/standing-and-ad-hoc-)

## Memorandum

A document recording the terms of a contract or other legal details.<sup>9</sup>

## Jus Sanguinis

the principle that the country of nationality of a child is that of the country of nationality of the parents.<sup>10</sup>

## Naturalization

The admittance of a foreigner to the citizenship of a country.<sup>11</sup>

## Forced displacement

Forced displacement is the pressured movement of people away from their homes. The act of forced displacement is a punishable act under International Criminal Law. Displaced people commonly suffer from human rights violations before, during, and after the removal from their homes.<sup>12</sup>

## BACKGROUND INFORMATION

### Types of Statelessness

There are two official categories of stateless people. First, is the de jure statelessness. More specifically, a de jure stateless person is someone who meets the legal criteria for being considered stateless, for example, a lack of citizenship.<sup>13</sup> The second one is the de facto statelessness. This is not official in law, but a de facto stateless person has citizenship or nationality and is not considered stateless by law.<sup>14</sup> Though, in that case these people do not have the privilege of protection by the country they have citizenship. These types of stateless people are usually refugees who cannot be protected by their country since it is at war. De facto

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committees#:~:text=Ad%20hoc%20committees%20are%20established,sanctions%20and%20other%20mandatory%20measures.

<sup>9</sup> <https://www.westerntc.edu/sites/default/files/student-life/documents/OWC/BusinessMemo.pdf>

<sup>10</sup> "Jus Sanguinis Definition & Meaning." Dictionary.com, [www.dictionary.com/browse/jus-sanguinis](http://www.dictionary.com/browse/jus-sanguinis).

<sup>11</sup> "Oxford Languages and Google - English | Oxford Languages." Oxford Languages | The Home of Language Data, 20 May 2020, [languages.oup.com/google-dictionary-en/](http://languages.oup.com/google-dictionary-en/).

<sup>12</sup> "The Evolution of Forced Displacement in International Criminal Law." Welcome | Global Justice Journal, <https://globaljustice.queenslaw.ca/news/the-evolution-of-forced-displacement-in-international-criminal-law#:~:text=Forced%20displacement%20is%20the%20coerced,the%20removal%20from%20their%20homes>.

<sup>13</sup> Statelessness - United States Department of State, [www.state.gov/other-policy-issues/statelessness/](http://www.state.gov/other-policy-issues/statelessness/). Accessed 04 July 2023.

<sup>14</sup> <https://www.unhcr.org/sites/default/files/legacy-pdf/4bc2ddeb9.pdf>

stateless is also someone that refuses to be protected by their country for personal reasons so there is a case of voluntary renunciation of nationality.

Furthermore, the topic of statelessness can be divided based on different criteria. Some stateless people become stateless during their lifetime and others are born stateless. Someone can become stateless by being deprived of their citizenship as a means of penalty or persecution. Refugees who are forced to flee a country due to conflict or change in political or social regimes are also considered stateless. Moreover, some nations do not grant nationality to citizens even after years of working and living in the state. On the other hand, someone is born stateless if the child's parents are stateless or with unknown nationality and the nation in which the kid was born has a jus sanguinis policy. Lastly, a child with unknown parents is also stateless at birth if the national law has the jus sanguinis policy.

### Childhood Statelessness

Stateless children are born without nationality, which often causes discrimination and can easily damage their ability to learn and grow. Childhood statelessness is a problem that is constantly growing, since a child is born stateless somewhere in the world at least every 10 minutes.<sup>15</sup> There are several issues that these children are facing; first and foremost, they are declined medical healthcare. In more than 30 countries, children are required to have nationality documentation to receive medical care and in at least 20 countries, stateless children cannot be legally vaccinated.<sup>16</sup> Moreover, these children suffer from psychological trauma that they commonly cannot talk about. The sense of non-belonging and loneliness, as well as the lack of security and safety are all factors that play a major role in influencing the behavior and development of a young person.

Someone is born stateless in specific cases. Firstly, when a child is not able to inherit a citizenship, whether because the parents are stateless themselves or because it cannot inherit the citizenship. This can happen in cases where it is prohibited for a mother to transmit nationality because it is not thought to be equal to the nationality of the father (in case the father is dead or unknown). Secondly, a child can be denied citizenship when it is part of a social group that is denied citizenship due to racism and discrimination. Such cases are Nepali people in Bhutan and groups of people coming from former Yugoslavian states. Thirdly, a child is stateless when it flees its country due to war or conflict and it becomes a refugee. Fourth, for legal reasons, after the change of borders or a dissolution of a nation, children cannot be granted that nationality. Such examples are citizens from USSR and Yugoslavia after these were dissolved.

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<sup>15</sup> "UNHCR, the UN Refugee Agency." UNHCR, [www.unhcr.org/ibelong/the-urgent-need-to-end-childhood-statelessness/](http://www.unhcr.org/ibelong/the-urgent-need-to-end-childhood-statelessness/).

<sup>16</sup>"UNHCR, the UN Refugee Agency." UNHCR, [www.unhcr.org/ibelong/the-urgent-need-to-end-childhood-statelessness/](http://www.unhcr.org/ibelong/the-urgent-need-to-end-childhood-statelessness/).

Finally, the gap between domestic laws as well as being impossible to prove connection to a state (eg lack of birth registration) can also be causes of childhood statelessness. UNHCR estimates that stateless people number at least 12 million, out of which approximately one-third are children.<sup>17</sup>

## Causes of Statelessness

### The deprivation of nationality as a penalty

Deprivation of somebody's nationality without a valid reason is a punishable and prohibited act under International Law.<sup>18</sup> Though, each government has the power to deprive someone of their nationality/citizenship in the case of it being obtained by fraud, false representation, or concealment of an important and relevant fact. The government has the right to do so without the obligation of informing the individual if they are considered a threat to national security, involved in the investigation or prosecution of organized or serious crime, the threat to the personal safety of another individual or the threat to international relations between two states.<sup>19</sup>

### Discrimination and persecution

In many countries with a jus sanguinis policy, nationality is only granted by the connection to a bloodline, without taking into consideration the birthplace or other factors. If this policy is implemented to the extreme, then many generations and races may be denied nationality. Gender as well as race is a main factor for discrimination that can cause statelessness. A common phenomenon is children being denied citizenship because the father is of a distinct race or nationality and thus women are also discouraged from marrying these men in order to ensure that their child is not born stateless.

### Migration due to changes in political or social regimes

In the case of a refugee wave, the people fleeing a country are characterized as de facto stateless people. This means that they still have their nationality and the citizenship of their country of residence, but they are not able to enjoy the privileges that come with that. The country, whether it is in conflict due to a political or social outbreak, cannot offer protection to

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<sup>17</sup> "Stateless and Invisible Children." Humanium, 11 May 2022, [www.humanium.org/en/stateless-invisible/](http://www.humanium.org/en/stateless-invisible/).

<sup>18</sup> "Renounce or Lose Your Citizenship." USA Gov, [www.usa.gov/renounce-lose-citizenship#:~:text=Renouncing%20or%20losing%20your%20citizenship,nation%20or%20risk%20becoming%20%20stateless%22](http://www.usa.gov/renounce-lose-citizenship#:~:text=Renouncing%20or%20losing%20your%20citizenship,nation%20or%20risk%20becoming%20%20stateless%22).

<sup>19</sup> Deprivation of citizenship. London City Hall. (2023, February 20). <https://www.london.gov.uk/programmes-strategies/communities-and-social-justice/migrant-londoners-hub/visas-and-immigration/deprivation-citizenship#:~:text=The%20Home%20Office%20has%20the%20power%20to%20deprive%20an%20individual,safet y%20of%20any%20person%2C%20or>

its citizens. Thus, the refugees are no longer protected as it was expected by the grant of citizenship, and they are not protected under any national laws.

### **Conflict of Nationality Laws**

International conventions cannot cover the whole issue of statelessness and grant of citizenship so strong national laws are needed. If these frameworks are biased or based on discrimination, this can easily escalate the situation. Furthermore, countries that suffer from refugee crises need to often change and adapt their national laws to fit the situation, making the act of granting citizenship more difficult. The domestic legal framework of different nations must align when it comes to tackling the issue of statelessness.

### **Impact of Statelessness**

Stateless people face a lot of difficulties themselves as well as they affect society as a whole. First and foremost, the people who lose their citizenship, also lose their habitat and, in many cases, they are displaced from their country. Usually, the immediate effect of statelessness affects the individual and their family. But in the case of whole social groups becoming stateless, it can cause terrorism, displacement and even war. Specifically, regarding displacement, the movement to neighboring countries can cause national and international tension. This displacement can also source from the government considering these groups a security threat and connected to terrorism. Moreover, it is very common that stateless people engage in criminal activities and drug trafficking due to unemployment, causing continuous tension in the host country.

When governments fail at recognizing the emergency and the impact of statelessness, new generations grow up in limbo and in danger. In states such as Syria, children without a father are declined healthcare and education. Moreover, in adolescence, the lack of legal documentation and birth registration risks early marriage, child labor, human trafficking and recruitment by the armed forces.<sup>20</sup> This is considered an invisible issue as the impact of statelessness is often unrecognized by governments. But states also suffer long-term consequences.

Statelessness has also socio-economic implications. The large number of unemployed people or people who have been denied operating a business contributes greatly to the slower advancement of the economy as well as it is a challenge for society. Non-jus soli are often not part of the development procedure causing extreme poverty and many times they need to take extreme measures to survive, such as parents selling their children.

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<sup>20</sup> "Impact of Statelessness: Are We Ready to Face?" SCIRP Open Access, 3 Dec. 2019, [www.scirp.org/journal/paperinformation.aspx?paperid=96841](http://www.scirp.org/journal/paperinformation.aspx?paperid=96841).

These people are deprived of basic human rights. The lack of documentation deprived them of the right to a pension, to vote, to travel, and more.<sup>21</sup> Their daily lives are full of uncertainty and danger.

## Historical Background

The issue of statelessness dates a lot of decades back. There have been a lot of events that shape the situation of today. Firstly, on 28 September 1954, the UN adopted a Convention on the status of stateless people. This document was the first document internationally that talked about statelessness and gave insight into the status of these people worldwide. This convention came into force on 6 June 1960. On 30 August 1961, the UN established another convention, the 1961 Convention on the Reduction of Statelessness. This convention was a mix of the 1954 convention and more new legal frameworks that would further define who is stateless and the criteria for being considered non-jus soli. This convention came into force on 13 December 1975. The biggest change that happened concerning statelessness, was the eradication of the jus soli law in Ireland on 1 January 2005. This meant that all people born in Ireland would be considered stateless until they were granted Irish citizenship by the government. This move caused tension in the European Union and afterwards there were many cases where the grant of citizenship was questioned by the nations and the issue of statelessness was not recognized. In December 2015, the conclusion on statelessness of the EU was adopted and new campaigns were established in order to raise awareness on the issue. Lastly, in 2015-2019, the first action plan by the EU was in order with the same cause. Now, by 2020, the second action plan by the EU is in order and we have yet to see its result.

## Statelessness nowadays

The legal frameworks concerning statelessness are still the same that were established many years ago and have previously been mentioned. This problem is still eminent as many governments fail at recognizing or taking measures to tackle the issue. Thus, more serious cases have occurred. Palestinians are still the largest stateless population, since today more than half of the 8 million population are considered de jure stateless.<sup>22</sup> They are not recognized by any other nation, and they have previously been expelled from countries such as Kuwait and Libya. The rest of the Palestinians, as well as any other stateless people, live as refugees and they cannot ask for naturalization. Another recent example is the Rohingyas in Myanmar where massive killing, rape, forced labor, and other heinous crimes took place and as a result people had to take shelter in Bangladesh. These events showcase that the issue of statelessness is still on-going and

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<sup>21</sup> "Impact of Statelessness: Are We Ready to Face?" SCIRP Open Access, 3 Dec. 2019, [www.scirp.org/journal/paperinformation.aspx?paperid=96841](http://www.scirp.org/journal/paperinformation.aspx?paperid=96841).

<sup>22</sup> Abbas Shiblak (2006) Forced Migration Review, FMR26. Stateless Palestinians. <https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/palestine/shiblak.pdf>

many people are always exposed to dangerous situations and live under questionable circumstances.

## MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

### Canada

Canada is active on the issue of statelessness. Canadian domestic law is really strict on the deportation of people and withdrawal of citizenship so as to prevent statelessness as much as possible. Canada is also party to the 1961 Convention on the Reduction of Statelessness meaning that they recognize the issue and are willing to take measures to eliminate it. Canada is also a party to the Convention on the Rights of the Children. This is important as it shows that Canada supports and protects human rights and can work against statelessness and childhood statelessness. The main agency that operates in Canada on the issue of statelessness is the Canadian Council for Refugees which takes upon such cases.

### Germany

Germany is one of the EU countries with strong jus soli law. There is a specific legal act of 1977 which integrated the provisions of the 1961 Convention into Germany's national law and includes the protection of stateless children born in the nation.<sup>23</sup> In 2000, more jus soli laws were introduced, such as a law requiring from the parents 8 years of lawful residency in the country in order for their child to receive German nationality at birth.<sup>24</sup> Nowadays, neither of the acts seem to have facilitated combating statelessness, thus the problem remains, but it was a first try at tackling the issue and recognizing the problem.

### Kenya

Kenya has approximately 100.000 stateless people.<sup>25</sup> Kenya has not signed either the 1954 Convention on Statelessness, the 1961 Convention on the Reduction of Statelessness, or the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. Kenya, thus, is not really involved on the move against statelessness but still suffers greatly from this issue. In Kenya, someone is considered stateless if they have not claimed citizenship or cannot support why they should be granted one and they have been living in Kenya for a continuous period since 12th December 1963.<sup>26</sup> In case someone is stateless, they can apply for citizenship as it is provided in the Kenya Citizenship and Immigration Act of 2011. The main cause of statelessness in Kenya is the gap between law and practice. The processes are slow and

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<sup>23</sup> "UN Conventions on Statelessness." UNHCR, [www.unhcr.org/what-we-do/protect-human-rights/ending-statelessness/un-conventions-statelessness](http://www.unhcr.org/what-we-do/protect-human-rights/ending-statelessness/un-conventions-statelessness).

<sup>24</sup> "Jus Soli: A Miraculous Solution to Prevent Statelessness?" European Network on Statelessness, 9 Apr. 2015, [www.statelessness.eu/updates/blog/jus-soli-miraculous-solution-prevent-statelessness](http://www.statelessness.eu/updates/blog/jus-soli-miraculous-solution-prevent-statelessness).

<sup>25</sup> "UNHCR, the UN Refugee Agency." UNHCR, [help.unhcr.org/kenya/helpful-services/statelessness/](http://help.unhcr.org/kenya/helpful-services/statelessness/).

<sup>26</sup> "UNHCR, the UN Refugee Agency." UNHCR, [help.unhcr.org/kenya/helpful-services/statelessness/](http://help.unhcr.org/kenya/helpful-services/statelessness/).



very costly due to the lack of regulations. Furthermore, statelessness is really common among ethnic minority groups which usually suffer from the consequences of it. They can be denied education, health care and basic services. Kenya needs to take measures against statelessness and protect its population.

### Thailand

Thailand is a multicultural land and within the borders, there are numerous different indigenous groups that live outside of the modern nation-state framework.<sup>27</sup> Some of these groups have intentionally avoided joining the Thai nation. They preferred to remain independent so as to protect their culture. Thus, it is clear that the major cause of statelessness in Thailand is discrimination against ethnic minorities. Most of these indigenous groups were nomadic but with the solidification of the borders, this lifestyle has become more and more dangerous and difficult. People part of these groups largely lack documentation and children born within Thai borders have a citizenship tied to their parents. If the parents are stateless, so is the child. Except for all the difficulties that stateless people globally face, stateless people in Thailand cannot travel freely internationally and this puts them at risk of detention and arrest. Children are usually denied education but the Thai government has made efforts in educating all children, however stateless children still do not reach higher education. Thailand joined the central goals of the UNHCR to end statelessness by 2024, in 2016.<sup>28</sup> In terms of this campaign, Thailand has altered the legal framework in order to be able to grant citizenship more easily. With the amendment in 2008 to the Thailand Nationality Law, citizenship restrictions have been loosened. With the help of the UNHCR and public campaigns, there has been increased awareness on the matter of statelessness and the Thai government hopes that it will be able to protect its people within its borders.

### United States (US)

The US has previously taken measures against statelessness. All American countries have a strong jus soli legal framework, making it possible for the US to soon eliminate the issue of statelessness. Due to immigration from Latin American countries mostly, it was necessary for the US to create specific laws for stateless people. Thus, nowadays, the US is granting nationality to all children born on American grounds, with some exceptions. The exceptions are usually diplomats' children and sometimes migrants' children. This system helps eradicate statelessness as no more kids are born without nationality.

### European Union (EU)

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<sup>27</sup> Thelwell, K. (2021, April 18). Addressing statelessness in Thailand. The Borgen Project.

<https://borgenproject.org/statelessness-in-thailand/#:~:text=Why%20Are%20People%20Stateless%3F,of%20the%20Thai%20nation%2Dstate>

<sup>28</sup> Thelwell, K. (2021, April 18). Addressing statelessness in Thailand. The Borgen Project.

<https://borgenproject.org/statelessness-in-thailand/#:~:text=Why%20Are%20People%20Stateless%3F,of%20the%20Thai%20nation%2Dstate>

The European Union has played a major role in the adoption of legislation and drafting of Conventions about the issue of lack of citizenship. Many EU members have adopted specific laws and legal frameworks that help protect non-jus soli who seek asylum. The first Conclusion on Statelessness was adopted by the EU in December 2015. The main theme was highlighting the importance of nationality as a fundamental right and focusing on human rights law.<sup>29</sup> The EU has also made an Action Plan on Human Rights Democracy, which was in action from 2015 to 2019, which talked about statelessness and the efforts of tackling displacement of stateless populations as a result of conflict or dissolution of states.<sup>30</sup> There is also a new action plan which is active since 2020 and for four years which aims towards the elimination of exclusion and discrimination of non-jus soli in vulnerable situations. The EU also crafted the European Migration Network (EMN) in order to have a platform for the exchange of information and raising awareness on the issue of statelessness. The European Union Agency for Asylum is also constantly operating for the protection and grant of asylum in the EU to emerging stateless people.

### **Institute Statelessness and Inclusion (ISI)**

The Institute Stateless and Inclusion (ISI) is an institute that operates solely on the issue of statelessness. It promotes human rights and highlights the importance of the right to nationality which is often disregarded. They also work on developing resources and building expertise so as to facilitate their work against statelessness. The main act of the ISI is the global movement that they are fostering. They hold conferences where they discuss statelessness, childhood statelessness, discrimination and deprivation of citizenship.<sup>31</sup>

### **United Nations High Commission of Refugees (UNHCR)**

The UNHCR is active on the issue of statelessness. It has previously published recommendations, resolutions, and memorandums on the topic of non-jus soli. The UNHCR has identified the main causes of statelessness. They have also recognized and implemented treaties that identify non-jus soli and facilitate their founding. Statelessness is worsened in case of a refugee crisis. In this case, the UNHCR steps in and takes measures in order to protect the refugees as well as runs the procedure of granting them new citizenship. The UNHCR helps in all types of crises with people and has created campaigns for raising awareness on statelessness. Moreover, the UNHCR protects refugees and people in need, so it plays a major role in negotiations and the drafting of conventions or in taking measures because it defends the people and its only goal is safety.

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<sup>29</sup> "4.13.1 Understanding Statelessness and Statelessness-related Trends." European Union Agency for Asylum, [euaa.europa.eu/easo-asylum-report-2021/4131-understanding-statelessness-and-statelessness-related-trends](https://euaa.europa.eu/easo-asylum-report-2021/4131-understanding-statelessness-and-statelessness-related-trends).

<sup>30</sup> "Browser Check." Browser Check - Consilium, 4 Dec. 2015, [www.consilium.europa.eu/en/press/press-releases/2015/12/04/council-adopts-conclusions-on-statelessness/](http://www.consilium.europa.eu/en/press/press-releases/2015/12/04/council-adopts-conclusions-on-statelessness/).

<sup>31</sup> Institute Statelessness and Inclusion, [www.institutesi.org/what-we-do](http://www.institutesi.org/what-we-do). Accessed 12 July 2023.

## TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
28 September 1954	The UN Convention Relating to The Status of Stateless Persons was adopted.
6 June 1960	The UN Convention Relating to The Status of Stateless Persons entered into force.
30 August 1961	The 1961 Convention on the Reduction of Statelessness was established on the issue of non-jus soli.
13 December 1975	The 1961 Convention on the Reduction of Statelessness on the issue of non-jus soli entered into force.
2004	Ireland eradicated jus soli law.
December 2015	The Conclusion on Statelessness was adopted by the EU.
2015	Start of the first Action Plan by the EU on the issue of statelessness.
2019	End of the first Action Plan by the EU on the issue of statelessness.
2020	Start of the second Action Plan by the EU on the issue of statelessness which will be in order until 2024.

## RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

### Economic and Social Council (ECOSOC) Resolution 248

On 8 August 1949, the Economic and Social Council adopted resolution No. 248 which set up an ad hoc Committee consisting of representatives of thirteen Governments who will point out the distinction between displaced persons, refugees, and stateless persons.<sup>32</sup> They will be

<sup>32</sup> "UNHCR, the UN Refugee Agency." UNHCR, [www.unhcr.org/publications/ad-hoc-committee-statelessness-and-related-problems-elimination-statelessness](https://www.unhcr.org/publications/ad-hoc-committee-statelessness-and-related-problems-elimination-statelessness).

responsible for the identification of the people as well as for proposing measures in order to tackle the issue of statelessness. This resolution was really helpful for breaking down the issue and tackling its case individually. This committee was constituted by experts on the issue, thus, all necessary actions were taken in order to help the stateless and deescalate the current situation.

### **1954 UN Convention Relating to the Status of Stateless Persons**

The 1954 Convention ensures that all non-jus soli will enjoy a basic set of human rights. Moreover, it establishes the legal definition of non-jus soli as someone who is "not recognized as a national by any state under the operation of its law."<sup>33</sup> It also establishes standards for stateless people such as education, employment, and housing. Furthermore, this Convention guarantees non-jus soli identity and travel documents. This convention was a first step towards tackling statelessness. It helped identify the situation, for example, it sets who is considered stateless under international law. Setting also standards of living for stateless people helped raise awareness on the conditions they were living under as well as pressure governments to meet those standards.

### **1961 UN Convention**

The 1961 Convention has as a goal the prevention of statelessness and its reduction if not elimination. This Convention establishes an international legal framework that ensures the right of every person to a nationality. It demands the establishment of safeguards in its domestic nationality law to prevent statelessness at birth as well as later on. What is different in this Convention comparing to previous ones is that it requires that children acquire the nationality of the country in which they are born if they do not acquire any other nationality. It also covers the cause of statelessness due to loss or renunciation of nationality. The Convention also specifies the very few cases in which nations can withdraw a person's nationality, even if this would leave them stateless. This Convention specifically highlights the case of childhood statelessness, which is one of the main factors leading to the increase of the number of stateless people. Even if it was not implemented by all states and the situation was not dissolved, this was an important step for raising awareness on the issue and bringing attention to the issue of childhood statelessness.

## **PREVIOUS ATTEMPTS TO SOLVE THE ISSUE**

### **Enhancing the already existing declarations for human rights**

The UNHCR has previously taken action on the matter of statelessness by bringing attention to the number of stateless people and calling for different governments to react. For instance, the 1961 Convention on the reduction of statelessness was something added to the

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<sup>33</sup> "UNHCR, the UN Refugee Agency." UNHCR, [www.unhcr.org/what-we-do/protect-human-rights/ending-statelessness/un-conventions-statelessness#:~:text=The%201954%20Convention,-The%201954%20Convention&text=It%20establishes%20the%20legal%20definition,t](http://www.unhcr.org/what-we-do/protect-human-rights/ending-statelessness/un-conventions-statelessness#:~:text=The%201954%20Convention,-The%201954%20Convention&text=It%20establishes%20the%20legal%20definition,t)

Declaration of Human Rights in order to highlight the importance of tackling statelessness. These efforts have not seemed to have an impact as the issue is still very severe. Many governments and parts of the international community seemed to be uninterested and did not recognize the issue or the conventions. This previous attempt was not successful, but it was a means of bringing attention to the lack of clarity of the legal frameworks.

### **Creation of the European Network on Statelessness (ENS)**

This network operates in the EU but also on an international level. Its main aim is to raise awareness on the issue and create a space where countries can negotiate and discuss the question of statelessness. This network was launched in 2012 and since then it collaborates with the UNHCR under its mandate on statelessness.<sup>34</sup> The ENS is now introducing a global alliance on the eradication of statelessness which we have yet to see its impact. The launch of this alliance means that the previous actions did not have the result that we were hoping for. On the other hand, the fact that more organizations work on the issue of statelessness means that there is still hope that this problem can be eliminated.

## **POSSIBLE SOLUTIONS**

### **Facilitating the identification of stateless people**

The identification of the non-jus soli people in a nation and globally is a primary step in combating the issue of statelessness. This can be achieved by the creation of a mechanism that can collaborate with the UNHCR and the United Nations Statistics Division (UNSD). This mechanism will be responsible for handling the data and information of the people entering or exiting each country and will then process the data in order to identify the number of stateless people. All birth registrations will be registered there, and the data will be collected from them. All stateless people will be able to seek documentation and then proceed with asking for citizenship to their country. Not knowing how many people are currently in the territory of a nation can be dangerous and a threat to national security. Thus, one can facilitate the identification of these people in need and then help grant them nationality or asylum if needed.

### **Raising awareness on the issue of statelessness**

Raising awareness on any issue is the first step towards eliminating it. By raising awareness via campaigns and conferences where all nations and organizations will be able to participate in, the issue of statelessness and the conditions under stateless people live will become known. More and more people will be moved to act against statelessness and governments will be pressured to recognize the issue and take measures against it so as to protect their population. Social media marketing efforts could be used to accomplish this.

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<sup>34</sup> "Recognising Recent Progress in Global Efforts to Address Statelessness but Also the Need for Greater Engagement and Resourcing." European Network on Statelessness, 15 Dec. 2022, [www.statelessness.eu/updates/editorial/recognising-recent-progress-global-efforts-address-statelessness-also-need](http://www.statelessness.eu/updates/editorial/recognising-recent-progress-global-efforts-address-statelessness-also-need).

Social media sites such as Twitter, Facebook, Instagram, and LinkedIn could be used to communicate facts, anecdotes, and information regarding statelessness. Partnering with NGOs and advocacy organizations is another option, as working together with organizations that are already addressing issues related to statelessness could be very efficient in raising awareness. Another way is to introduce instructional materials, create educational flyers, infographics, movies, and websites that describe the concept of statelessness, its causes, and how it affects the people impacted as well as the communities in which they live.

### **Creating a forum for international cooperation**

The main issue is that governments cannot discuss their needs and find a solution that fits most and will be applied globally. By the creation of a forum where all states will hold negotiations, will pose their queries and discuss their domestic legal frameworks, we facilitate the solution of the matter. This Forum will operate under the UN and all member states will participate. The resolutions and measures discussed and decided during the session will be then evaluated by the rest of the UN and non-UN agency that are concerned by statelessness. Finally, they will be applied globally so as to avoid tension between nations.

### **Strengthen domestic laws on statelessness**

If a country is secure in its justice system, then the role of international conventions becomes secondary. The topic of statelessness is something that differs from nation to nation. Thus, each government needs to create its safeguards against statelessness. Also, member states need to discuss these frameworks before their implementation to ensure that there is no extreme difference or gap between each domestic law with the rest in the way that they handle the subject of jus soli. The strengthening of domestic laws could be accomplished by creating a thorough legal framework that offers clear procedures for identifying, preventing, and resolving statelessness as well as an unambiguous definition of what statelessness is. A further effective method is to evaluate and modify nationality laws to make sure they are non-discriminatory and compliant with global norms. Children could be prevented from becoming stateless by allowing for the acquisition and retention of nationality based on birth within the territory, ancestry, or naturalization. Finally, to ensure that all children born in the area obtain nationality from birth, birth registration should be encouraged, seeing as birth registration is crucial first step in reducing child statelessness and statelessness in general.

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