



LASALLECUNMUN

2024

UNHCR

(United Nations High
Commissioner for
Refugees)

“Arbitrary Deprivation of
Nationality to Immigrants”

Background Guide





Dearest delegates,

Welcome to LASALLECUNMUN 2024! My name is Kenya Ibañez and I'm delighted to be your president in UNHCR on this year's model. Alongside our moderator, Jessica Ic, and our conference officer, Mia Pacheco, we are determined to make this model an unforgettable and amusing experience for all of you.

Currently, I'm 17 years old but by the time we have our sessions, I'll be 18. I'm a senior at Universidad La Salle Cancún. Despite being in the area of architecture and design, I would like to study psychology and specialize in neuropsychology since I find interesting how our brain works and responds to different experiences. I love listening to music, even though I listen to many genres, my favorite is R&B, and some of my favorite artists are Ariana Grande, Melanie Martinez, Kali Uchis, Daniel Caesar, and SZA. This will be my sixth model, and third as part of the chair. In my first model I was UNEP's conference officer, and last year I was president of UNWOMEN. As a delegate, I've participated in CANCUNMUN's UNHRC and General Assembly, and in COLONMUN's UNWOMEN. What I enjoy the most about MUN is that it helps improve students' communication, social, linguistic and diplomatic skills, as well as expand their vision of the world by finding resolutions to modern global conflicts in an academic and diplomatic way and build lifelong relationships.

I am thrilled to finally meet you, read your position papers and see your development in the debate as well as your debating skills so that the topic we have prepared for you has a great resolution, which will be sent to the UNHCR so it's essential to finish it on time and have great proposals. As a president, I expect all my delegates to be prepared, respectful and participative to keep the debate fluent. Additionally, I hope you feel comfortable so you can have a better development. Make sure you learn and understand the procedure but if by any chance you have questions or any situation, please don't hesitate to contact me.

Yours truly,

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COMMITTEE DESCRIPTION

UNHCR, the UN Refugee Agency, is a global organization dedicated to saving lives, protecting rights and building a better future for refugees, forcibly displaced communities and stateless people. Created in 1950, during the aftermath of the Second World War, to help millions of refugees who had fled or lost their homes in Europe.

Topic: Arbitrary Deprivation of Nationality to Immigrants

INTRODUCTION

Every human being has the fundamental right to a nationality, this includes acquiring, changing and retaining a nationality. A person's lack of nationality gets in the way of other human rights such as healthcare, education, employment, and even marriage. An estimated of 12 million of people globally don't have a nationality; meaning they are stateless. Some individuals are born stateless, but others become stateless, many pass on statelessness to their children, who then pass it on to the next generation.

Statelessness can also be originated by loss or deprivation of nationality. In some countries, citizens can become stateless if they have lived outside their country for a long period of time or if they cannot prove that they have links to a State. Deprivation can occur if the individual has been convicted in any country for an offence related to terrorism, piracy, illegal arms dealing, breaching UN embargoes, drug trafficking, trafficking in persons, organized crime, crimes against humanity or belonging to an extremist group. As well, as a person can be stateless because of discrimination, whether based on religion, ethnicity or gender.

International law demands that the States' rights to decide their nationals is not absolute and, in particular, States must go along with their human rights duties regarding the granting and loss of nationality. Each State is certain by the principle of non-discrimination between its nationals, despite whether they acquired nationality at birth or later on, and whether they have one or multiple nationalities. International law bans the arbitrary deprivation of nationality including on racial, ethnic, religious or political factors. The exercise of fundamental rights, including freedom of expression, freedom of assembly or other rights associated with a person's political views, can never justify the deprivation of nationality.

HISTORICAL BACKGROUND

The current, legal concept of statelessness emerged after World War II, when the Nazi government in Germany deprived Jews of their nationality and of many other rights, before going on to carry out the Holocaust. The Jewish population and many other nations, alongside numerous displaced people, traveled extensively throughout Europe seeking a settling place. This significant movement of people prompted the international community to engage in serious conversations about statelessness and refugees. These discussions led to the development of the 1954 Convention on Statelessness.

However, the concept of citizenship and statelessness, became increasingly complex during the late 1800s and 1900s, particularly within the framework of colonization. The process of decolonization in the 1950s and 1960s, attached with the appearance of new states over the past four to five decades, introduced certain elements that characterize the contemporary landscape of statelessness. Including discrimination against 'transplanted' or other communities, political expediency and discrimination, successor states, stripping of nationality for reasons of loyalty or 'terrorism', and registration.

After British colonial rule, a group of Nubians was relocated to what is now Kenya. However, when Kenya gained independence, there seemed to be reluctance to recognize many Nubians as Kenyan citizens, partly due to the new government's vision for an independent Kenya. In Kuwait, a significant community wasn't registered in 1961, thus making them ineligible for Kuwaiti citizenship after the country gained independence that same year. Referred to as "bidun" (meaning "without" nationality), some among them might have been Bedouins who traditionally moved across the Gulf region with their herds. Some argue that their predecessors weren't registered by the British or Ottomans, and therefore saw no reason to seek recognition from the new government. In the Dominican Republic, authorities declined to register or acknowledge state documents issued to Dominicans of Haitian descent, seemingly driven by racial discrimination. Similarly, Liberia remains one of the few countries that discriminates based on ethnicity, as nationality is restricted to those "not of negro descent". Gender discrimination also plays a role in statelessness since twenty-six countries don't permit women to confer nationality, and Danish men can't confer nationality to a child born outside Denmark.

CURRENT SITUATION

Progress has been notable as many states have ratified the two conventions on statelessness. Fewer states now discriminate in granting citizenship based on gender, ethnicity, or race. Positive reforms have been implemented, and the issue has gained some recognition in international and regional human rights frameworks. Some states have developed effective practices. For instance, the Philippines, France, Mexico, and Moldova have implemented Statelessness Determination Procedures (SDP) aimed at identifying stateless individuals,

partly in response to the increasing number of stateless people in detention who cannot be repatriated. In the past five years, over 30 countries have adopted SDPs.

Norway has recently implemented a measure ensuring that no child is born stateless, while Madagascar has enacted legislation to reduce statelessness. However, in other respects, state practices have seen little change. Some countries still view nationality as a privilege rather than a fundamental right, and political upheavals can jeopardize citizenship. For example, Iran has seemingly implied to descendants of Afghan refugees settled after 1979 that they could acquire Iranian nationality by fighting for Iran in Syria. Similarly, Russia has utilized citizenship as a political bargaining tool, offering resolution in exchange for loyalty. The issue of naturalization remains deeply entrenched in certain regions. While a Syrian in Canada could eventually gain Canadian citizenship, a foreigner in Syria generally cannot become a Syrian citizen. Nevertheless, each nationality granting system must be evaluated based on its own merits.

UN human rights mechanisms have a crucial role in addressing the issue of statelessness by raising awareness, promoting best practices, and providing recommendations to countries. In 2014, UNHCR initiated a bold Campaign to End Statelessness by 2024, known as the #IBelong Campaign, recognizing that statelessness can be prevented and resolved through legal means. Parliamentarians also hold a key responsibility in ending statelessness. A 2016 resolution suggests that states should avoid automatically extending deprivation of nationality to dependents and emphasizes the right of children to nationality and protection from statelessness. This highlights the growing acknowledgment that children, alongside women and men, should have an independent right to nationality. Despite progress, there are notable gaps in how statelessness is addressed within the Council's framework.

Indeed, the 2016 resolution on the right to nationality garnered support from 111 states. Two resolutions by the Human Rights Council have underscored norms and standards aimed at preventing and mitigating statelessness. Despite these advancements, there has yet to be a dedicated thematic resolution on statelessness. The 2018 Global Compact on Refugees (GCR) explicitly recognizes statelessness as both a cause and consequence of forced displacement. Additionally, the inaugural Global Refugee Forum (GRF) and the High-Level Segment on Statelessness (HLS) in 2019 led to an unprecedented 396 pledges related to statelessness from States, international and regional organizations, and civil society. Of these pledges, 79 States submitted 270 commitments relevant to addressing global statelessness, many of which involve parliamentary action.

These efforts are closely tied to the implementation of the 2030 Agenda, particularly in ensuring that no one is left behind, including those affected by the consequences of statelessness. Sustainable Development Goals (SDGs) such as SDG 5 focusing on gender equality, SDG 10 aiming to reduce inequality, and SDG 16 addressing access to justice and the establishment of effective, accountable, and inclusive institutions, all play significant roles in tackling the issue of statelessness.

COUNTRY BOX

Argentine Republic
Dominican Republic
Dominion of Canada
French Republic
Islamic Republic of Afghanistan
Islamic Republic of Iran
Kingdom of Norway
Kingdom of Spain
Republic of Liberia
Republic of Madagascar
Republic of Sudan
Republic of the Philippines
Republic of the Union of Myanmar
Republic of Turkey
Russian Federation
State of Kuwait
United Arab States
United Kingdom of Great Britain and Northern Ireland
United Mexican States United States of America

GUIDE QUESTIONS

- I. Where does your country stand regarding statelessness?
- II. What laws does your country have as for citizenship and nationality?
- III. How long does a person in your country takes to acquire the nationality?

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