

Study Guide SOCHUM

Topic: Protecting the Rights of Stateless People and ensuring access to citizenship

- **Introduction to the committee:**

The Social, Humanitarian, and Cultural Committee (SOCHUM) was the Third Committee of The UN General Assembly. It was established in 1948 shortly after the founding of the UN in 1945. It came into being as one of the six main committees of the General Assembly, each created to divide the work among them.

SOCHUM's creation was tied to the extreme devastation in the early post World War II times. It focuses on human rights and decolonization especially with the adoption of the Universal Declaration of Human Rights in 1948, which gave the committee central in examining human rights question. As per the mandate of SOCHUM, all draft resolutions passed in SOCHUM must be forwarded to the United Nations General Assembly, where they need to be adopted in order to become legally binding and implemented.

- **Introduction to the topic:**

The issue of stateless people and their access to citizenship is a major problem in many countries especially in The Middle East and Myanmar. Being stateless means not belonging to any single country legally and not being applicable to any of their citizen rights or rules. The individual also does not get protection from the country they are living in. Citizenship, on the other hand is not only a legal identity but also a way to access education, healthcare, political participation and the right to move around freely. Without it, individuals often face problems that hinder their path to a successful life such as being unable to attend school and receive an education, which may force them to rely on online classes to gain knowledge.

Protecting the rights of stateless people means to ensure that they can access all the necessities required by a person to live. It also means that they are treated with fairness, humanity, and respect for their basic human rights. At the same time, ensuring access to citizenship means creating a simple and clear path for

individuals to get legal recognition and access to all the programs in a state like education and politics.

According to this topic a simple majority is required to pass the resolution and forward it to the United Nation General Assembly.

- **Key Terms and Terminologies:**

1. Stateless Person – An individual who is not considered as a national by any state under its laws* (as defined in the 1954 Convention).
2. De facto Stateless– Someone who technically has a nationality but cannot access protection or rights from that state.
3. Nationality – The legal bond between an individual and a state, recognized under international law.
4. Citizenship– Often used interchangeably with nationality, but more political; includes participation in public life (e.g., voting).
5. Revocation of Nationality – Official cancellation of someone's citizenship by the state.
6. Jus soli("right of the soil") – Granting nationality based on birth in a state's territory.
7. Jus sanguinis ("right of blood") – Granting nationality based on descent from a citizen parent.
8. Right to a Nationality – Recognized in Article 15 of the Universal Declaration of Human Rights (UDHR).
9. 1954 Convention Relating to the Status of Stateless Persons – Defines who is stateless and outlines their rights.
10. 1961 Convention on the Reduction of Statelessness – Establishes rules to prevent and reduce statelessness.
11. UNHCR Mandate– The UN Refugee Agency is also responsible for stateless persons.
12. SDG 16.9 – Sustainable Development Goal target to provide legal identity for all by 2030.
13. State Succession – When new states emerge, leading to gaps in nationality laws.
14. Discriminatory Nationality Laws – Laws that exclude people based on ethnicity, religion, or gender.

15. Birth Registration – Official recording of a child's birth; lack of it often leads to statelessness.
16. Deportation/Expulsion – Removal of a person from a country, sometimes leaving them without nationality.
17. Non-State Armed Groups (NSAGs) – Rebel or terrorist groups that undermine nationality systems (e.g., ISIS, Boko Haram).
18. Unrecognized Documents – IDs issued by extremist groups or unrecognized states, not valid internationally.
19. Displacement – Forced movement due to war, persecution, or terrorism, often causing loss of nationality.

- **Historical context and current state of stateless people:**

Historical Context:

The challenges faced by Statelessness has its roots in the creation of modern states. Before the 19th century, identity was often defined by community, tribe or empire rather than legal nationality. With the rise of national states, citizenship became a legal identity that determined rights and obligations. However this system also created the conditions for exclusions.

Major historical causes for statelessness:

- **Statelessness succession and border change:**

The end of empires, such as the Ottoman and later the breakup of the Soviet Union left a large population without citizenship.

- **Discriminatory Nationality Law:**

Many states passed the laws that excluded specific ethnic or religious groups from acquiring citizenship, effectively erasing their legal status.

- **Gender Discrimination:**

In some countries women were not allowed to pass on their nationality to their kids leaving their kids stateless.

- **Colonialism and decolonization:**

Colonial power often rejected full citizenship to colonized people leaving millions of people without a nationality.

Current State:

Today the UN High Commissioner for Refugees (UNHCR) estimates that there are more than 10 to 12 million stateless people in the World but the actual figure might be way more than that due to lack of registration and political sensitivities. This is spread across the entire World:

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□ **Asia:**

The Rohingya of Myanmar, denied citizenship under 1982 nationality law, causing it to remain one of the largest stateless groups. South and South East Asia hosts large numbers of stateless populations of stateless immigrants and descendents of the displaced groups.

□ **Middle East:**

Palestinians remain the largest group of stateless people globally, many holding refugees status rather than citizenship holders. Kurds, Bedoon communities in the Gulf, and other minorities also lack recognition.

□ **Africa:**

Post colonial borders and discriminatory laws have left many without citizenship such as Kenya, Cote d'Ivoire and Madagascar.

□ **Europe:**

The separation of The Soviet Union left thousands of people stateless in the Baltic states. Roma communities across Europe also face statelessness due to documentation barriers.

□ **Caribbeans and the Americas:**

Children of Haitian migrants in the Dominican Republic, as well as irregular migrants across America who are often denied citizenship.

● **Past UN treaties and International Agreements:**

1. Convention Relating to the status of stateless people (1954):

This was the first major treaty on statelessness signed in 1954. This treaty defines who is considered stateless and sets out the basic rights they must be granted like education, work, housing, and legal protection. It focuses on protecting stateless individuals even if their nationality is unresolved. This has been signed by 99 countries.

2. Convention on the Reduction of statelessness (1961):

This treaty aims to prevent new cases of statelessness from arising. It requires a state to grant nationality to children born on their territory who would otherwise be stateless. This convention has been signed by 76 to 77 countries globally.

3. Universal Declaration of Human Rights (UDHR,1948):

Article 15 states, "Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the rights to change his nationality."

4. International Covenant on Civil and Political Rights (ICCPR,1966):

Article 24:"Every child has the right to a nationality." This article protects the rights to legal identity and equal recognition before the law.

5. Convention on the Rights of Child (CRC,1989):

Article 7 : "Children must be registered at birth and have the right to a name and nationality."

6. International Convention on the Elimination of All forms of Racial Discrimination (ICERD,1965):

It prohibits denial of nationality on the basis of religion, race and ethnicity.

7. Convention on the Elimination of All forms of Discrimination Against Women (CEDAW,1979):

It requires state to give women equal rights with men to acquire, change or retain nationality and also to pass nationality to her children.

8. Sustainable Development Goals (SDGs, 2015):

Target16.9: By 2030, provide legal identity for all, including birth registration.

9. UNHCR#IBelong campaignb(2014 to 2024):

It was a global campaign to end statelessness within 10 years. It calls on governments to reform nationality laws, register births and protect stateless communities.

- **Role of Non State Actors:**

Terrorist Organizations:

Terrorist organizations have caused thousands of people to go stateless like:

- A. Hamas who caused issues in Palestine causing thousands of them to go stateless.
- B. Hezbollah who has caused problems in Syria leading to many people fleeing into another country where they cannot get citizenship.
- C. Children born under Isis have been told as a member of no state.
- D. Al Qaeda attacks disrupted some countries registry causing less children to be registered as a member of the state.
- E. Attacks on the villages in Nigeria by Boko Haram caused a huge displacement into neighboring states. Many children born in exile lacked birth registration.
- F. During the conflict of Taliban and The United States, many Afghans fled without documentation causing children born abroad to be considered stateless.

International Organizations:

- A. The UNHCR , lead UN body mandated to protect stateless people, provide legal aid, promote nationality law reforms and campaigns like #IBelong.
- B. The UNICEF ensures children are registered at birth, helping to prevent statelessness.
- C. International Committee of the Red Cross (ICRC) protects the vulnerable populations in conflict zones, including stateless people.
- D. International Organization for Migration (IOM) has been supporting documentation and integration for migrants at risk of statelessness.
- E. Regional bodies such as the European Union pushes for harmonized standards on nationality laws and the African Union has frameworks on nationality rights and prevention on statelessness.

International NGOs:

- A. The Institute on Statelessness and Inclusion has carried out global research and advocacy groups focused solely on statelessness.
- B. Open Society Foundation (OSF) supports legal advocacy, research and awareness campaigns.
- C. Norwegian Refugee Council (NRC) works with displaced and stateless communities.
- D. Advocates for policy reforms to address statelessness through refugee international.
- E. Minority rights Groups International (MRG) defends stateless minority populations.
- F. Human rights watch (HRW) and Amnesty International monitor abuses and pushes governments to reform discriminatory nationality laws.

Religious, Ethnic and Community Based NSAs:

- A. Palestinians groups represent the worlds largest stateless population.
- B. Rohingya community organizations document abuses and push for citizenship.
- C. Kurds allow many advocate for recognition and right.
- D. Roma civil society groups in Europe fight discrimination that causes statelessness.
- E. Bedoon community associations in the Gulf often operates underground due to restrictions, advocating for documentation.

NSAs that have worsened statelessness:

- A. Militant or separatist groups like the Myanmar military policies stripped Rohingya of nationality, creating massive statelessness as well as militant factions in conflicts causing destruction of civil registries, leaving children unregistered.

- B. Colonial administration created arbitrary borders, excluded populations, and left unresolved nationality issues after decolonization.
- C. Certain governments operating as NSAs in occupied territories example settler groups causing issue documents not intentionally recognized, leaving people stateless.

- **Past UN Resolutions and UN charters:**

There were many past UN resolutions that were passed to solve this matter. These resolutions include:

Past UN Resolutions:

- A. **A/RES/319(IV)-Refugees and stateless persons(3 December 1949):**

This resolution is divided into two parts A and B, this was one of the earliest resolutions recognizing refugees and stateless persons as distinct categories requiring international attention.

- B. **ECOSOC Resolution E/RES/352(XII): Problem of Statelessness(13 March 1951):**

Although this resolution was adopted by the Economic and Social Council (ECOSOC), this resolution was vital in calling for studies and establishing an ad hoc committee on statelessness- laying the ground work for later UNGA actions.

- C. **A/RES/1107(XI)- Elimination or Reduction of Future Statelessness (21 February 1957):**

This resolution was for prevention measures, this resolution urged governments to take steps to reduce future cases of statelessness. It was adopted without a vote.

- D. **A/RES/896(IX)- Follow up to the international law Commission Drafts (4 December1954|):**

This resolution expressed appreciation for the international Law Commission's work, encouraged a diplomatic conference to finalize conventions on

statelessness, and formally moved the process towards adoption of binding treaties.

UN Charters:

- A. **Article 1(3):** Calls for the promoting “respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion.” It refers to right to nationality as a human right.
- B. **Article 13 (1):** The General Assembly shall conduct studies and make recommendations to promote international law and human rights. This is how the UNGA justified creating committees and conventions for human rights.
- C. **Article 55 (c):** The UN shall promote universal respect for and observance of, human rights and fundamental freedoms for all. This is used as the bases for later declarations like Article 15 of the UDHR.
- D. **Article 56:** All members join hands and pledge to take part in joint actions or take separate actions with the UN to achieve human rights goals. This article reinforces states duty to prevent statelessness.

- **Causes of Statelessness:**

Legal Causes:

- A. **Gaps in international law:** Some countries don't automatically give nationality to children born on their soil or to children of nationals. If a child doesn't qualify under either, they may be stateless.
- B. **Conflicting Laws between states:** A person moving between countries may fall through nationality gaps.
- C. **Withdrawal or denial of nationality:** Sometimes, governments cancel citizenships, leaving people stateless.

Political Causes:

- A. **State succession and border changes:** When new states form, some groups may be excluded from nationality.
- B. **Discriminatory Policies:** The minorities may be deliberately excluded from nationality laws.
- C. **Terrorism and Extremist Groups:** Armed groups destroying civil registries or creating fake states leave people with unrecognized documents.

Social Causes:

- A. **Gender Discrimination:** In some states women are not allowed to pass on their nationality to children or spouses, leaving their children as stateless.
- B. **Marginalization of minorities:** Groups considered outsiders by societies are not given citizenship.

- **QARMA(Questions A Resolution Must Answer):**

1. How will you prevent more stateless persons to coming into being?
2. How will you make it legible for countries to grant people citizenship?
3. What rights these new citizens will get?
4. How can the UN encourage states to ratify the 1954 and 1961 Statelessness Conventions?
5. Should the UDHCR's mandate be strengthened?