Briefing Paper

Committee: UNHCR

Topic: The Question of Preventing Statelessness in Conflict Regions

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Summary

Statelessness has been a persistent problem globally and has been considerably worsened by the existence of conflict. Conflict or its aftermath, a lack of governance, displacement of peoples, destruction of civil identity, and nationality legislation that discriminates against certain groups can often lead to a lack of nationality. Stateless people have limited access to essential rights, which puts them at a high risk of being exploited.

Definition of Key Terms

Stateless Person – An individual who is not considered a national by any state under the operation of its law, as defined by the 1954 Convention relating to the Status of Stateless Persons.

De Jure Statelessness – A condition in which an individual is not recognised as a national by any state under its laws.

De Facto Statelessness – A situation where a person formally holds a nationality but cannot effectively access the rights or protection associated with it.

Nationality – The legal bond between an individual and a state, conferring rights such as diplomatic protection and responsibilities under domestic law.

Civil Registration – The government system that records vital events such as births, deaths, and marriages, which is essential for establishing nationality.

Birth Registration – The official recording of a child's birth by the state, providing legal proof of identity and a key safeguard against statelessness.

Conflict Region – An area experiencing armed conflict, including international or non-international armed conflicts, often characterised by instability and weakened governance.

State Succession – The transfer of sovereignty over a territory, which may affect the nationality status of individuals residing in that area.

Arbitrary Deprivation of Nationality – The removal or denial of nationality in a manner inconsistent with international law, often occurring during or after conflict.

Internally Displaced Persons (IDPs) – Persons forced to flee their homes due to conflict or violence who remain within their country's borders, often facing heightened risk of statelessness.

Legal Identity – Official recognition of a person through documentation such as birth certificates or nationality papers, enabling access to rights and services.

Safeguards Against Statelessness – Legal or administrative measures designed to prevent individuals, particularly children, from becoming stateless.

Background Information

Statelessness affects millions of people worldwide, with conflict acting as one of its most significant drivers. Armed conflict disrupts state institutions, displaces populations, and undermines legal and administrative systems that are essential for nationality determination. In many cases, individuals flee without documentation, while others lose proof of nationality due to the destruction of homes, archives, and government offices.

Children born during conflict are particularly vulnerable. When parents are displaced, missing, or deceased, children may be unable to establish a legal link to any state. This risk is heightened where nationality laws rely solely on descent, or where women face legal barriers in passing nationality to their children.

Conflict may also lead to deliberate policies of exclusion. In certain contexts, governments or armed groups have used nationality laws as a tool of political or ethnic discrimination, rendering targeted populations stateless. Additionally, changes in borders or governance during and after conflict can result in gaps in nationality legislation, leaving individuals without clear legal status.

The long-term consequences of statelessness are severe. Stateless persons often experience intergenerational marginalisation, with limited access to education, employment, and political participation. In post-conflict settings, unresolved statelessness can hinder reconciliation, reconstruction, and sustainable development, making prevention a priority for both humanitarian and stability-focused actors.

Major Countries and Organizations Involved

- Conflict-affected / source countries
    - Syria – prolonged conflict, disrupted civil registration and large refugee outflows.
    - Myanmar – systematic exclusion of Rohingya; example of discriminatory nationality practice.
    - Sudan / South Sudan – state succession, internal displacement and gaps in nationality documentation.
    - Yemen – collapse of administration and large internal displacement affecting documentation.
    - Libya – state fragility and displacement with weak civil registration systems.

- o Afghanistan – large refugee populations and administrative disruption affecting identity documentation.
- Major host / receiving states
  - o Bangladesh – host of large Rohingya population; exemplifies host-state documentation and protection pressure.
  - o Lebanon / Jordan – host states with large refugee concentrations and strained public services.
  - o Turkey / Pakistan – major refugee hosts with long-term integration and documentation challenges.
- Major organisations
  - o UNHCR (United Nations High Commissioner for Refugees) – lead UN agency on statelessness prevention, legal advice, and operational support.
  - o UNICEF – critical for birth registration, child protection and documenting births in crisis settings.
  - o IOM (International Organization for Migration) – supports documentation, returns, and migration management.
  - o OHCHR (Office of the High Commissioner for Human Rights) – legal monitoring and advocacy on arbitrary deprivation of nationality.
- Regional organisations
  - o African Union / Economic Community of West African States (ECOWAS) – regional legal instruments and practical cooperation on movement and documentation.
  - o European Union – funding, legal frameworks, and migration policy coordination affecting stateless and displaced populations.
- Non-governmental and civil society actors
  - o International Rescue Committee (IRC) – field protection, legal assistance and documentation projects.
  - o Local civil-society groups and legal aid clinics – essential for outreach, registration campaigns, and community trust-building.
  - o International Federation of Red Cross and Red Crescent Societies (IFRC) – humanitarian registration and identity services during emergencies.

Timeline of Events (Relevant UN Treaties)

1948 – The Universal Declaration of Human Rights affirms the right to a nationality

1951 – Convention relating to the Status of Refugees establishes international refugee protection

1954 – Convention relating to the Status of Stateless Persons defines statelessness and outlines protection standards

1961 – Convention on the Reduction of Statelessness introduces safeguards to prevent statelessness at birth and in cases of state succession

2014 – UNHCR launches the Global Action Plan to End Statelessness (2014–2024)

Previous Attempts to Solve the Issue

1. International Legal Frameworks

One of the earliest attempts to address statelessness was the adoption of the 1954 Convention relating to the Status of Stateless Persons, which established an international definition of statelessness and set minimum standards of treatment for stateless individuals. This was followed by the 1961 Convention on the Reduction of Statelessness, which introduced safeguards aimed at preventing statelessness at birth and during changes in state sovereignty. While these conventions provide a strong legal foundation, their impact in conflict regions has been limited by low ratification rates and challenges in domestic implementation during periods of instability.

2. Advocacy and Accession Campaigns

UNHCR has undertaken sustained advocacy to encourage states to accede to and implement the statelessness conventions. This includes diplomatic engagement, technical advice on aligning domestic nationality laws with international standards, and awareness-raising campaigns. The #IBelong Campaign (2014–2024) sought to mobilise political commitment to end statelessness globally. While the campaign resulted in increased accessions and law reforms in some states, progress in conflict-affected regions has remained uneven due to security concerns and limited administrative capacity.

3. Birth Registration and Civil Documentation Initiatives

In several conflict and post-conflict settings, UNHCR and partner organisations have supported emergency and mobile birth registration programmes aimed at preventing childhood statelessness. These initiatives have included mobile registration units, late birth registration procedures, and cooperation with health facilities in displacement settings. Although such programmes have successfully documented thousands of births, they often face obstacles such as insecurity, lack of infrastructure, and limited reach in active conflict zones.

4. Legal Assistance and Nationality Law Reform

UNHCR has supported states in reviewing and amending nationality laws to address gaps that may lead to statelessness, particularly discriminatory provisions affecting women or minority groups. In some post-conflict contexts, legal reforms have enabled previously stateless populations to acquire nationality. However, political resistance and concerns over national identity and security have constrained broader reform efforts in conflict-affected states.

5. Post-Conflict Reconstruction Efforts

In post-conflict environments, international actors have attempted to integrate statelessness prevention into wider reconstruction and state-building processes. These efforts have included

rebuilding civil registries, digitising records, and clarifying nationality status following state succession or territorial change. Despite these initiatives, statelessness has often remained a secondary priority compared to immediate security and humanitarian needs.

Possible Solutions

- Improving birth registration systems – universal, accessible registration of births prevents or protects against statelessness.
- Making systems non-discriminatory – the review of nationality laws promoting ethnic, religious, gender, and political discrimination.
- Support for civil documentation during displacement – ways to support the preservation and replacement of civil documentation for displaced populations
- International and regional cooperation – enhanced cooperation between states, regional organisations, and international agencies
- Integration of statelessness prevention into post-conflict reconstruction – preventing statelessness as part of broader reconstruction and governance efforts

Useful Links

1. https://www.unhcr.org/what-we-do/protect-human-rights/ending-statelessness
2. https://www.institutesi.org
3. https://www.unicef.org/protection/birth-registration
4. https://www.nrc.no/resources/reports/legal-identity-in-forced-displacement-contexts

Bibliography

1. United Nations. Universal Declaration of Human Rights. United Nations General Assembly, 1948.
2. United Nations. Convention relating to the Status of Stateless Persons. United Nations Treaty Series, 1954.
3. United Nations. Convention on the Reduction of Statelessness. United Nations Treaty Series, 1961.
4. OHCHR. Arbitrary Deprivation of Nationality
5. United Nations Children's Fund, Birth Registration
6. Norwegian Refugee Council. Legal Identity in forced displacement contexts. NRC.