

QTMUN 2023



United Nations High Commissioner for Refugees

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Equity Disclaimers

Throughout this committee, delegates will be engaging in complex debates and discussions covering a wide array of topics. As UTMUN seeks to provide an enriching educational experience that facilitates understanding of the implications of real-world issues, the content of our committees may involve sensitive or controversial subject matter for the purposes of academia and accuracy. We ask that delegates be respectful, professional, tactful, and diplomatic when engaging with all committee content, representing their assigned country's or character's position in an equitable manner, communicating with staff and other delegates, and responding to opposing viewpoints.

This Background Guide presents topics that may be distressing to some Delegates, including but not limited to: racism, sexism, colonialism/imperialism, physical and emotional abuse, past wars and conflicts, immigration detention, and natural disasters. Great care will be taken by staff in handling any/all of these topics should they arise.

UTMUN recognizes the sensitivity associated with many of our topics, and we encourage you to be aware of and set healthy boundaries that work for you. This may include: refraining from reading certain parts of the background guide, preparing yourself before reading this background guide, doing some self-care or seeking support after reading the background guide, or anything that can help make you feel more comfortable. We ask that all Delegates remain considerate of the boundaries that other Delegates set.

UTMUN expects that all discussions amongst delegates will remain productive and respectful of one another. If you have any equity concerns or need assistance in setting boundaries or navigating sensitive subject matter, please do not hesitate to reach out to me or our Equity Director, Aidan Thompson, at equity@utmun.org. We want you to feel safe and comfortable at UTMUN!

If you wish to switch committees after having read the content warnings for this committee, please:

- Contact your Faculty Advisor/Head Delegate with your request if you are a part of a group delegation
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Model United Nations at U of T Code of Conduct

The below code of conduct applies to the behaviour of all attendees of UTMUN for the entire duration of the conference, while engaging in any conference-related activities, including but not limited to committee sessions, conference socials, committee breaks, and the opening and closing ceremonies.

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 - a. Harassment and bullying include, but are not limited to, insulting and/or degrading language or remarks; threats and intimidation; and intentional (direct or indirect) discrimination and/or marginalization of a group and/or individual;
 - i. The above prohibition on harassment, bullying, and inappropriate behaviour extends to any and all behaviour as well as written and verbal communication during the conference, including notes, conversation both during and outside committees, and general demeanour at all conference events;
 - ii. UTMUN reserves the right to determine what constitutes bullying and/or inappropriate behaviour toward any individual and/or group;
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2. UTMUN expects all attendees to conduct themselves in a professional and respectful manner at all times during the conference. Specific expectations, include, but are not limited to,
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 - b. Attendees must adhere to the dress code, which is Western business attire;
 - i. Exceptions may be made on a case-by-case basis depending on the attendees' ability to adhere to the previous sub-clause;
 - ii. Attendees are encouraged to contact Director of Equity, Aidan Thompson, with questions or concerns about the dress code or conference accessibility;
 - c. Attendees must refrain from the use of cultural appropriation to represent their character

and/or country, including the use of cultural dress, false accent, and any behaviour that perpetuates a national or personal stereotype;

d. Delegates must not use music, audio recordings, graphics, or any other media at any time unless approved and requested to be shared by the Dais and/or the Director of Equity, Aidan Thompson;

e. Attendees must abide by instructions and/or orders given by conference staff members;

- i. Attendees are exempt from this above sub-clause only if the instructions and/or orders given are unreasonable or inappropriate;

3. Delegates, staff, and all other conference participants are expected to abide by Ontario and Canadian laws and Toronto by-laws, as well as rules and regulations specific to the University of Toronto. This includes, but is not limited to,

- a. Attendees, regardless of their age, are strictly prohibited from being under the influence and/or engaging in the consumption of illicit substances, such as alcohol or illicit substances for the duration of the conference;

- b. Attendees are prohibited from smoking (cigarettes or e-cigarettes, including vapes) on University of Toronto property;

- c. Attendees must refrain from engaging in vandalism and the intentional and/or reckless destruction of any public or private property, including conference spaces, venues, furniture, resources, equipment, and university buildings;

- i. Neither UTMUN nor any representatives of UTMUN is responsible for damage inflicted by attendees to property on or off University of Toronto campus;

- ii. Individuals will be held responsible for any damages.

4. The Secretariat reserves the right to discipline delegates and/or attendees for not adhering to/violating any of the above stipulations. Disciplinary measures include, but are not limited to,

- a. Suspension from committee, in its entirety or for a specific period of time;

- b. Removal from the conference and/or conference venue(s);

- c. Disqualification from awards;

- d. Disqualification from participation in future conference-related events.

5. If online, additional rules apply to delegate and staff conduct, including but not limited to Zoom background usage. Delegates must use either conference-provided Zoom backgrounds, the blurred background, solid colours, or no background.

6. UTMUN reserves the right to the final interpretation of this document.

For further clarification on University of Toronto Model United Nations' policies regarding equity, questions, concerns, or for any equity violations that attendees would like to raise, please contact equity@utmun.org, or fill out this [anonymous form](#).

Letter from the Director

Dear Delegates,

Welcome to UTMUN 2023! My name is Rameen Azmat and I will be your committee director for the United Nations High Commissioner for Refugees (UNHCR) this year. I am a third-year student pursuing a specialist in Political Science. I am joined by my Vice Director Abdullah, who is a fourth-year student doing a double major in Biochemistry and Physiology. We are looking forward to three days of meaningful debate surrounding key issues in the rights of refugees around the world.

This year, UNHCR will focus on two main topics. First, we will discuss the issue of climate refugees. This topic will focus mainly on discrepancies between the global north and global south that lead to migration and how the climate crisis has further highlighted these discrepancies. In addition to that, we will also touch on food insecurity, extreme weather patterns, and international refugee law. Second, we will discuss the issue of stateless persons. This topic will focus mainly on the long-term impacts of statelessness on overall wellbeing such as lack of healthcare, education and deprived freedom of mobility. We will also discuss how discrimination against certain groups on the basis of ethnicity, religion, or gender, leads to statelessness. Finally, we will talk about the emergence of new states.

I would like to emphasize that while we are debating issues surrounding climate refugees and stateless persons in the present day, it is important for delegates to consider the historical impacts of colonialism on current patterns of migration and the Global South vs Global North debate.

I hope that this background guide acts as a useful starting point for insightful, independent research that will aid you in the thoughtful discussions we will have as a committee. If there is anything the dias can do to improve your experience at UTMUN or offer guidance on researching these topics, please let us know. We're looking forward to seeing you all at UTMUN 2023, and wish you all the very best for the conference!

Best wishes,
Rameen and Abdullah
unhcr@utmun.org

Introduction to UNHCR

The UNHCR (United Nations High Commissioner for Refugees) is commonly known as the “UN Refugee Agency”.¹ It was established in 1951 through UNGA resolution 319 (A). Although it was initially incorporated in a temporary office position with a prospective lifespan of three years, its mandate has since been extended, every five years.² This allows the UNHCR to respond to the world’s increasing refugee crises. With a staff of 17,000 workers operating in 133 countries, the agency has twice been the recipient of the Nobel Peace Prize.³

The mandate of the UNHCR is to work towards the provision of international protection to refugees.⁴ This includes humanitarian assistance, and the aim of seeking long-term solutions for people of concern to the UNHCR which may have been forced to leave their homes. The UNHCR defines a refugee under the 1951 Convention as an individual, who due to persecution/targeting on the basis of nationality, ethnicity, race or religion, is outside their home country and can not obtain protection in their current location (due to fear or discrimination).⁵

There have been several GA resolutions over time that have requested the UNHCR to provide international aid and humanitarian umbrellas to persons who are outside their country of origin, due to persecution and armed conflict.⁶ In addition, the UNHCR’s involvement has also been requested with respect to internally displaced individuals who lie within their country’s borders.⁷

The UNHCR is guided closely by its Statute, the 1951 Convention on Refugees and its 1967 Protocol, the General Assembly and ECOSOC.⁸ It is part of a broad network of UN programmes and works in collaboration with UNICEF, UNDP, WFP and the WHO among other agencies. It also closely liaises with the IMF and World Bank, to help refugees attain financial ability and rebuild their livelihoods once they have returned home. It also collaborates with 700+ NGO implementing partners, among 400+ of these being national NGOs.⁹

Key persons of interest to the UNHCR include refugees; persons who have left their country of origin due to persecution and conflict, asylum seekers; persons who have applied for recognition as refugees in other countries and whose applications are still pending, returnees; people who need assistance in their reintegration in countries, stateless persons; those with unresolved nationalities, and internally displaced persons; persons not included in the original

1 United Nations High Commissioner for Refugees, “UNHCR Global Appeal 2003 - Facts and Figures,” UNHCR, The UN Refugee Agency, accessed October 22, 2022, <https://www.unhcr.org/3ddcf8574.pdf>.

2 Ibid.

3 Ibid.

4 Ibid.

5 Ibid.

6 Ibid.

7 Ibid.

8 Ibid.

9 Ibid.

Office mandate, but have been requested assistance by the UNHCR through the GA.¹⁰

Definitions

Climate refugees - People who have been forced to leave their traditional habitat, temporarily or permanently, because of marked environmental disruption.¹¹

Food insecurity - A household-level economic and social condition of limited or uncertain access to adequate food.¹²

Colonialism - The policy or practice of acquiring full or partial political control over another country, occupying it with settlers, and exploiting it economically.¹³

International Law - A body of rules established by custom or treaty and recognized by nations as binding in their relations with one another.¹⁴

Imperialism - A policy of extending a country's power and influence through diplomacy or military force.¹⁵

Nationalism - An ideology that emphasizes loyalty, devotion, or allegiance to a nation or nation-state and holds that such obligations outweigh other individual or group interests.¹⁶

Asylum - The protection granted by a nation to someone who has left their native country as a political refugee.¹⁷

Armed conflict - A contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state.¹⁸

¹⁰ Ibid.

¹¹ "Environmental Refugee « CARFMS – ORTT," accessed October 22, 2022, <http://rfmsot.apps01.yorku.ca/glossary-of-terms/environmental-refugee/>.

¹² "USDA ERS," Definitions of Food Security, accessed October 22, 2022, <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-u-s/definitions-of-food-security/>.

¹³ Robert Longley, "What Is Colonialism? Definition and Examples," ThoughtCo, February 16, 2021, <https://www.thoughtco.com/colonialism-definition-and-examples-5112779>.

¹⁴ LII, "International Law," LII / Legal Information Institute, accessed October 22, 2022, https://www.law.cornell.edu/wex/international_law.

¹⁵ Wiki Impact Team, "Upholding The Right To Education For Stateless Children," Wiki impact, October 14, 2021, <https://www.wikiimpact.com/upholding-the-right-to-education-for-stateless-children/>.

¹⁶ "Nationalism," accessed October 22, 2022, <https://www.cs.mcgill.ca/~rwest/wikispeedia/wpcd/wp/n/Nationalism.htm>.

¹⁷ "What Is a Refugee? Definition and Meaning," USA for UNHCR, accessed October 22, 2022, <https://www.unrefugees.org/refugee-facts/what-is-a-refugee/>.

¹⁸ "Armed Conflict « CARFMS – ORTT," accessed October 22, 2022, <http://rfmsot.apps01.yorku.ca/glossary-of-terms/armed-conflict/>.

Statelessness - Someone who is not considered as a national by any state under the operation of its law.¹⁹

Abbreviations

UN - United Nations

UNEP - United Nations Environment Programme

OAU - Organization of African Unity

¹⁹ OHCHR. "Convention Relating to the Status of Stateless Persons." Accessed October 22, 2022. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-stateless-persons>.

Topic A: Climate Refugees

Introduction to Climate Refugees:

A “refugee” is defined as a person who has crossed an international border “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.” According to the United Nations Environment Programme (UNEP), climate refugees are defined as people who have been “forced to leave their traditional habitat, temporarily or permanently, because of marked environmental disruption.”²⁰ This definition continues to be debated, and some have argued that it should be expanded to include a broader range of people, namely “anyone who has been impacted by disruption in their society that could somehow directly or indirectly be related to short or long-term change in their environment.”²¹ The definition of climate change used internationally has direct implications on the rights of climate refugees when they are displaced and who is actually entitled to those rights. While delegates of UNHCR will be allowed to debate how expansive the term “climate refugees” should be, the bulk of our discussion will be guided through our subtopics and actionable solutions that UNHCR can propose to the issue at hand. We will discuss food insecurity, extreme weather patterns, international refugee law, the discrepancy between the global south and global north, and the correlation between global conflict and the climate crisis. It is important to note that many of these sub-topics are interrelated and delegates should reflect that during committee sessions and in their position papers. For example, extreme weather patterns directly lead to greater food insecurity by damaging crops that vulnerable communities rely on. Extreme weather patterns in the global south also contribute to the existing pattern of migration towards the global north.

Refugees continue to be at the forefront of the climate emergency and many live in developing nations that lack the resources to respond to increasingly frequent natural disasters, displacing them from their home countries.²² Climate change can trigger displacement, worsen living conditions, and hamper the possibility of return for those who have already been displaced. Those who are forced to cross borders in response to climate change and disasters require international protection to ensure they are treated humanely throughout the immigration process and permitted to seek asylum.²³ While the 1951 Geneva convention makes no mention of climate refugees, the definition can extend to climate refugees in some cases according to the 1969 OAU Convention and the 1984 Cartagena Declarations. These declarations extended the definition

20 United Nations High Commissioner for Refugees, “Climate Change and Disaster Displacement,” UNHCR, The UN Refugee Agency, accessed September 24, 2022, <https://www.unhcr.org/climate-change-and-disasters.html>.

21 Accessed October 22, 2022, <https://www.zurich.com/en/media/magazine/2022/there-could-be-1-2-billion-climate-refugees-by-2050-here-s-what-you-need-to-know>.

22 “Climate Refugees,” Climate Refugees, accessed September 24, 2022, <https://www.climate-refugees.org/>.

23 Ibid.

of refugees to include persons fleeing “events seriously disturbing public order.”²⁴ These past declarations only apply in certain circumstances, such as when climate change impacts the level of armed conflict and violence in a country.²⁵ Armed conflict does not need to occur to trigger displacement due to climate change, and those particular refugees are robbed of their right to due process. Aside from these declarations, there is no declaration pertaining to the rights of climate refugees, creating a grey zone in which states treat climate refugees as they please.²⁶ Consequently, the absence of a relevant legal framework has massive implications for human rights. Delegates are encouraged to consider how the UN can take charge in extending refugee status to include climate refugees or propose a new framework that guarantees protection for them.

Food Insecurity:

Food security can be defined as the ability of populations to have physical and financial access to sufficient, clean, and healthy nutrition to meet the dietary requirements for a prosperous lifestyle.²⁷ The three fundamental aspects that signify food security are food availability (the amount and quality of food a household has), access to food (affordable and preferable access of food for a family) and utilization (the capacity of the individuals to benefit from their food).²⁸ We will continue to explore how extreme weather patterns driven by climate change may impact these three aspects and hence influence food insecurity.

The onset of climate change has led to the prevalence of extreme weather patterns globally. Examples include increased risks of droughts due to lower precipitation in equatorial countries, acute instances of flash-flooding due to rapid changes in sea-levels, and instances of forest fires increasing as a result of extended periods of heat waves.²⁹ Warming in the Indian Ocean and a climate pattern approaching “El-Nino-like” conditions can reduce main-season precipitation, therefore tropical and sub-tropical regions in the Americas, Africa and Asia can be substantially affected.³⁰ In addition, extreme temperature patterns can exacerbate the severity of diseases such as malaria, leading to malnutrition as a result of reduced food utilization.³¹

Many regions that are deprived of food security rely on local agricultural production to

24 United Nations High Commissioner for Refugees, “Persons Covered by the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and by the Cartagena Declaration on Refugees (Submitted by the African Group and the Latin American Group),” UNHCR, The UN Refugee Agency, accessed October 22, 2022, <https://www.unhcr.org/excom/scip/3ae68cd214/persons-covered-oau-convention-governing-specific-aspects-refugee-problems.html>.

25 Ibid.

26 Ibid.

27 Stamoulis, “ESA Working Papers,” ESA Working Papers, November 7, 2003.

28 Ibid.

29 Ericksen et al., “Mapping Hotspots of Climate Change and Food Insecurity in the Global Tropics,” CCAFS: CGIAR research program on Climate Change, Agriculture and Food Security, June 3, 2011, <https://ccafs.cgiar.org/resources/publications/mapping-hotspots-climate-change-and-food-insecurity-global-tropics>.

30 Ibid.

31 Ibid.

meet their food needs.³² Extreme weather fueled by climate change can contribute to a decline in per-capita cultivation area and a subsequent decrease in food production, therefore leading to food insecurity in many communities. In food-insecure regions, many farmers not only consume their product but also sell it in local markets.³³ This exposes farmers to climate variations, because a reduction in crop production due to extreme weather will cause reduced income, and their consumption-associated maintenance costs subsequently increase too. This two-pronged implication may lead to widespread hunger in vulnerable communities.

The impact of climate change and extreme weather patterns in different regions will vary based on their access to and usage of technology.³⁴ Technological advancement is the major determinant of a farm's productivity, and in current food-insecure regions, farming is typically carried out manually, using basic tools such as low-input planting sticks.³⁵ There is an extreme difference in the productivity of these farms compared to advanced farms utilizing fertilizers, pesticides, and biologically enhanced seed varieties.³⁶ Not only will climate change have a differential impact on communities and ecosystems in tropical regions (because of already warmer climates), but poor farmers in these regions will not be equipped to tackle changes in climate as they have much fewer options in the system of agriculture to even begin with.³⁷ These handicaps can be amplified by macroeconomic policies that disincentivize agricultural development, such as agricultural subsidies in Europe with poor cash transfer programs.³⁸

Climate change not only has an impact on the worldwide availability of food, but also specifically on the production of and access to high quality, nutrient rich foods such as vegetables including corn and legumes.³⁹ It has been concluded that if greenhouse gas emissions continue their current trajectory, global vegetable and legume production may fall by up to 35%.⁴⁰ The quality of their yield will also decrease due to increased water scarcity and salinity levels rising.⁴¹ Increasing flooding as a part of extreme weather patterns will drown crops, in addition to transporting sewage, manure or pollutants from roads causing more pathogens and toxins to be absorbed in plant roots.⁴² Coupled with droughts decreasing irrigation where needed mode, worldwide reserves of crop and future production may be shortened or wasted completely in

32 Ericksen et al., "Mapping Hotspots of Climate Change and Food Insecurity in the Global Tropics," CCAFS: CGIAR research program on Climate Change, Agriculture and Food Security, June 3, 2011, <https://ccafs.cgiar.org/resources/publications/mapping-hotspots-climate-change-and-food-insecurity-global-tropics>.

33 Ibid.

34 "AR4 Climate Change 2007: The Physical Science Basis — IPCC," IPCC, accessed September 24, 2022, <https://www.ipcc.ch/report/ar4/wg1/>.

35 Ibid.

36 Ibid.

37 Ibid.

38 Ibid.

39 Rodomiro Ortiz, "Role of Plant Breeding to Sustain Food Security under Climate Change," in Food Security and Climate Change (Chichester, UK: John Wiley & Sons, Ltd, 2018), 145–58, <http://dx.doi.org/10.1002/9781119180661.ch8>.

40 Ibid.

41 "AR4 Climate Change 2007: The Physical Science Basis — IPCC," IPCC, accessed September 24, 2022, <https://www.ipcc.ch/report/ar4/wg1/>.

42 Ibid.

extreme events.⁴³

Extreme Weather Patterns:

Perhaps the most visible and widespread consequence of rising global temperatures is the acute and often prolonged onset of extreme, highly variable, weather events.⁴⁴ Examples of extreme weather events include drought, extreme heat, excessive precipitation, hurricanes, tornadoes, and wildfires.⁴⁵ As elaborated in previous sections, the occurrence of such events on an instantaneous or continuous basis can severely impact cultivable area, crop production and food transportation, therefore contributing to global food shortages, concentrating in impoverished and unprivileged communities the most, as they do not have access to the technology needed to promptly respond.⁴⁶

There are certain factors that may contribute to increased vulnerability to climate change and extreme weather patterns specifically. One of these factors is geographical location, with coastal villages and cities being heavily impacted by rapid river responses to rising sea levels.⁴⁷ Inhabitants of low altitude areas that reside close to riverbanks live with the constant fear of having their household infrastructure, livestock and agricultural crops being damaged by flash floods. Another contributing factor lies within the financial and infrastructural degree of development within villages, towns, and cities.⁴⁸ Many communities in South Asia, for example, rely on a constant source of income from their agricultural output. Extreme weather patterns such as droughts or flooding will have a greater impact on them due to the scarcity of alternative food or income sources. This is amplified with the shortage of technological advancements to respond.⁴⁹

Climate change has made it more difficult for countries to prepare for extreme weather events.⁵⁰ Many cities across the world are experiencing prolonged periods of extreme heat in their days and nights, which is why some cities have emphasized the use of heat warning system alerts, a network of cooling centers, creating more green space and urban forest cover.⁵¹

The changing weather has demanded more from city infrastructures especially in areas that have a climate-dependent system of transportation and construction. An example

43 "AR4 Climate Change 2007: The Physical Science Basis — IPCC," IPCC, accessed September 24, 2022, <https://www.ipcc.ch/report/ar4/wg1/>.

44 Ana Lucía Maldonado-González et al., "Shared Commitments towards Social Resilience in Populations Vulnerable to Extreme Weather Conditions," *Southern African Journal of Environmental Education* 35, no. 1 (May 14, 2019), <https://doi.org/10.4314/sajee.v35i1.3>.

45 Ibid.

46 Ibid.

47 "In Canada, Pipeline Politics Threaten National Climate Plan," *Climate Change and Law Collection*, n.d., accessed September 24, 2022, https://doi.org/10.1163/9789004322714_cclc_2018-0214-037.

48 Ibid.

49 Ibid.

50 Donald Stanley Lemmen, *From Impacts to Adaptation: Canada in a Changing Climate 2007* (Canadian Museum of Civilization/Musée Canadien Des Civilisations, 2008).

51 Ibid.

of this concept is seen in Northern countries that have evolved in permafrost.⁵² These special environments are susceptible to extreme weather patterns and hence urban planning in these cities are often centered around preparation in prediction of climate variability, however villages and towns without the access to similar funding or technology cannot afford to take similar approaches.⁵³ Building on the World Bank's argument that "building cities that are green, inclusive and sustainable should be the foundation of any national climate change agenda", we question, how can we achieve this as a worldwide goal, especially in vulnerable countries and communities?⁵⁴

A prime and recent example of a country's national infrastructure not being prepared for an extreme climate event, is the unfortunate case of flash flooding during August and September 2022 in Pakistan.⁵⁵ Rapid climate change has caused massive fluctuations in evaporation cycles, sea levels, and consequent onset of monsoon rainfall.⁵⁶ Not only has the timing of monsoon rains in South Asia been unpredictable, but the amount itself has greatly varied over the last few years. This variability of monsoon rainfall has led to, in the case of Pakistan as well, frequent, and very intense intermittent flooding especially in tidal and low-lying areas.⁵⁷ 116 of Pakistan's 154 districts have been affected by floods caused by unexpectedly high monsoon rainfall since mid-July. There have been 1162 human casualties, and the significant loss of life has been coupled with the destruction of homes, agricultural land, and livestock.⁵⁸ A lack of funding and allocation towards urban planning and infrastructure, coupled with minimal development of water reserve management over time, have been factors that contributed to extending the aftermath of such extreme weather.⁵⁹

International Refugee Law:

There is no internationally recognized treaty that outlines the protection of persons displaced by climate change and its effects.⁶⁰ Those who are forced to leave their countries are not entitled to a set standard of treatment when trying to cross an international border because it does not exist. Past conventions on the rights of refugees include the 1951 Geneva Convention, 1984 Cartagena Declaration

⁵² Donald Stanley Lemmen, *From Impacts to Adaptation: Canada in a Changing Climate 2007* (Canadian Museum of Civilization/Musée Canadien Des Civilisations, 2008).

⁵³ Ibid.

⁵⁴ Ana Lucía Maldonado-González et al., "Shared Commitments towards Social Resilience in Populations Vulnerable to Extreme Weather Conditions," *Southern African Journal of Environmental Education* 35, no. 1 (May 14, 2019), <https://doi.org/10.4314/sajee.v35i1.3>.

⁵⁵ Yen Yi Loo, Lawal Billa, and Ajit Singh, "Effect of Climate Change on Seasonal Monsoon in Asia and Its Impact on the Variability of Monsoon Rainfall in Southeast Asia," *Geoscience Frontiers* 6, no. 6 (November 2015): 817–23, <https://doi.org/10.1016/j.gsf.2014.02.009>.

⁵⁶ Ibid.

⁵⁷ Sonia Sarkar, "Pakistan Floods Pose Serious Health Challenges," *BMJ*, September 2, 2022, o2141, <https://doi.org/10.1136/bmj.o2141>.

⁵⁸ Ibid.

⁵⁹ Donald Stanley Lemmen, *From Impacts to Adaptation: Canada in a Changing Climate 2007* (Canadian Museum of Civilization/Musée Canadien Des Civilisations, 2008).

⁶⁰ Valentina Kleinsasser, "The Future of 'Climate Refugees' in International Law," *Völkerrechtsblog*, June 5, 2021, <https://voelkerrechtsblog.org/the-future-of-climate-refugees-in-international-law/>.

and the 1969 OAU Convention.⁶¹ While none of these specifically address the issue of climate refugees, their definitions are broad enough to be applied to climate refugees and offer some degree of protection. This degree of protection is limited to situations where armed conflict is involved. However, the presence of armed conflict is not necessary to force displacement. The Geneva Convention, under its definition of a refugee, offers protection to those fleeing persecution and violence on the grounds of religion, nationality, race, and membership in a particular social group or social opinion.⁶² The 1984 Cartagena Declaration and the 1969 OAU Convention offer a wider definition that provides protections to refugees fleeing conditions that “seriously disturb the public order.” These statutes were instituted to safeguard people’s fundamental human rights when they are faced with circumstances beyond their control.⁶³

As there is no past convention specifically relating to the status of climate refugees, any protection they are entitled to on the international level is mainly rooted in human rights law.⁶⁴ Under the non-refoulement principle, states are not allowed to send people back into conditions where climate change exposes them to life-threatening risks that could cause irreparable harm.⁶⁵ The principle requires that states who are considering removal of non-citizens back to their country of origin carry out a risk assessment to see if they would be subject to persecution, torture, degrading and inhumane treatment.⁶⁶ Further, states bear an obligation to try and prevent displacement as a result of climate change and related disasters. The right to seek asylum is considered a universal right. However, human rights law is difficult to enforce on an international level and states routinely evade these protections in their treatment of refugees that do fall in the groups listed in the Geneva Convention.⁶⁷ Without the existence of any sort of convention, climate refugees are subjected to even poorer treatment. To successfully justify these violations of human rights law, states argue that their right to sovereignty allows them to dictate the entry and treatment of asylum seekers.⁶⁸

The lack of protection for climate refugees under international law excludes many people. Existing statutes that we have discussed only apply in limited situations and even then, states are able to sidestep them by using their sovereignty as an excuse. These limited situations are often assessed on a case-by-case basis and vary according to states’ own immigration laws. The only climate refugees entitled to some degree of protection are those that are also fleeing armed conflict and war.⁶⁹ This leaves behind people impacted by rising sea levels, extreme weather events like floods, and increasing food insecurity due to crops being damaged by climate change.⁷⁰ Delegates of UNHCR are encouraged to consider legal changes that can be made on environmentally displaced people in the future that would guarantee the protection of their universal right to seek asylum.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ OHCHR, n.d., accessed September 24, 2022.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ “Climate Refugees ‘seeking Asylum’ in International Law,” accessed September 24, 2022, <https://www.aa.com.tr/en/environment/climate-refugees-seeking-asylum-in-international-law/2279788>.

⁶⁸ Ibid.

⁶⁹ “The Problem — Climate Refugees,” Climate Refugees, accessed September 24, 2022, <https://www.climate-refugees.org/why>.

⁷⁰ Ibid.

Global South vs Global North:

Throughout history, there has long been a pattern of migration from the global south to the global north. Distinctions between the global north and the global south are not based on geographical location. Instead, the term global north refers to wealthy and technologically advanced countries such as the United States, Canada, Australia, amongst others. The term global south refers to developing countries such as India, Pakistan, Mexico, amongst others. Countries in the global north generally enjoy greater political stability, resources, and wealth. Countries in the global south also have citizens that are more likely to suffer from poverty, because they do not have the same access to resources.⁷¹

Many of these countries, such as the United States, have colonial histories of exploiting people in the global south for cheap labour. The exploitation of labour and resources often creates unlivable conditions that force people to flee from their countries of origin and seek asylum.⁷² In Guatemala, for example, the United States supported a rebellion from fringe groups to overthrow a government that supported stricter regulations on multinational corporations like the United Fruit Company. Decades of civil unrest followed this coup d'état and Guatemala was rendered unlivable.⁷³ Many of these refugees sought asylum in the United States and continue to live in fear of being thrown into detention by US immigration authorities due to their vulnerable status.⁷⁴ In Southeast Asia, exploitative colonialism further rationalized tribal identities by introducing censuses amongst other political changes, contributing to nationalism that still exists in the region. Exported colonialism can be defined as "the use of force to control another country for purposes of exploiting its population as labor and its natural resources as raw material."⁷⁵ Colonial states are hypocritical in refusing to accept the refugees they are responsible for displacing. Further, refugees that are admitted into the country are put in indefinite detention, separated from their families, and deprived of the right to a lawyer when they get a court hearing.⁷⁶

In the context of climate change, states in the global north account for the vast majority of emissions but states in the global south suffer the impacts to a greater extent and lack the infrastructure needed to deal with climate-related disasters.⁷⁷ The United States, the EU and China are responsible for 59% of global emissions.⁷⁸ In 2016, half of the world's metal, paper, and plastic was made in China.⁷⁹

71 Ava Brown, "What Is The Difference Between The Global North VS The Global South? – CEN – Climate Emergency Newsroom," accessed September 24, 2022, <https://blogs.glowscotland.org.uk/sl/climateemergencynewsroom/2021/11/03/global-north-vs-global-south/>.

72 "1954 Coup," Visualizing the Americas, accessed September 24, 2022, <https://visualizingtheamericas.utoronto.ca/key-moments/1954-coup/>.

73 Ibid.

74 "Conditions in Migrant Detention Centers," American Oversight, July 5, 2020, <https://www.americanoversight.org/investigation/conditions-in-migrant-detention-centers>.

75 Robert Longley, "What Is Colonialism? Definition and Examples," ThoughtCo, February 16, 2021, <https://www.thoughtco.com/colonialism-definition-and-examples-5112779>.

76 Ibid

77 Ava Brown, "What Is The Difference Between The Global North VS The Global South? – CEN – Climate Emergency Newsroom," accessed September 24, 2022, <https://blogs.glowscotland.org.uk/sl/climateemergencynewsroom/2021/11/03/global-north-vs-global-south/>.

78 Ibid.

79 Ibid.

These countries cause some of the most devastating aspects of climate change.⁸⁰ This means that the least developed countries have contributed far less to global warming and have had a less equal share in the direct benefits of fossil fuel use. According to the Global Climate Risk Index 2021, the poorest countries are most susceptible to the damage produced by climate change, all while being some of the lowest emitters of greenhouse gas emissions.⁸¹

While no one can escape climate change, it is evident that its effects are not uniform. Developing countries suffering from climate change already have higher levels of income inequality, and the ecological crisis will further exacerbate the divide between the rich and the poor. A report by the World Bank has estimated that the climate emergency will drive up to 135 million people into poverty by 2030.⁸² Climate change has also deepened the divide between Indigenous peoples and settlers. Many Indigenous peoples are actively involved in the protection and conservation of their land and have repeatedly argued against industrial development without their consent.⁸³ In Canada, thousands of Indigenous people came together to protest the building of the Coastal GasLink pipeline project in their traditional communities.⁸⁴

Communities in the global south having to deal with the effects of climate change should be at the forefront of decision-making on climate related issues. This means that countries in the global north need to make an effort to actively provide spaces for global south actors to voice their opinions and concerns. Further, it is necessary to acknowledge how current patterns of consumption in the global north have led us to where we are today and whether this idea of economic progress is sustainable for future generations. Delegates of UNHCR should consider the steps we can take to increase representation from global south actors on the international stage.

Correlation between Global Conflict and Climate Crisis:

There is an indirect correlation between global conflict and the climate crisis. Climate change affects the duration and intensity of conflict, and conflict affects the resilience and preparedness of communities in response to climate change.⁸⁵ Intensifying climate change will also likely increase the risk of violent armed conflict within countries. In Africa, for example, drought brought on by climate change forces competition among farmers triggering violent clashes and civil unrest. Unpredictable rainfall patterns and threats to food security can act

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² "Bloomberg," accessed September 24, 2022, <https://www.bloomberg.com/news/articles/2022-02-28/global-south-cities-face-dire-climate-impacts-un-report>.

⁸³ Ibid.

⁸⁴ "Canada: Indigenous Activists Protest Coastal Gaslink Pipeline Construction & Allege Violations of UNDRIP; Incl. Company Comments," Business & Human Rights Resource Centre, accessed September 24, 2022, <https://www.business-humanrights.org/en/latest-news/canada-indigenous-activists-protest-coastal-gaslink-pipeline-construction-allege-violations-of-undrip-incl-company-comments/>.

⁸⁵ International Committee of the Red Cross, "Seven Things You Need to Know about Climate Change and Conflict," International Committee of the Red Cross, July 7, 2020, <https://www.icrc.org/en/document/climate-change-and-conflict>.

as pre-conditions for conflict in developing nations.⁸⁶ If governments are unable to meet their obligations and feed people in poverty, it can lead to the emergence of non-state actors. Countries already enduring conflict are also less able to cope with climate change and respond to disasters induced by climate change when they happen.⁸⁷ Further, climate change increases the risk of conflict by worsening socio-economic and racial inequalities. For countries already in conflict, the natural environment is damaged by warfare. Attacks can lead to soil and land contamination, and release pollutants into the air. Conflict also reduces the resilience and ability of nations to adapt to climate change. People located in vulnerable situations have less capacity for coping and fewer resources to build resilience.⁸⁸

The relationship between climate change and armed conflict is complex. It is more visible through indirect pathways and further case studies are needed to establish a direct link. The Notre Dame Global Adaptation Initiative looked at countries vulnerable to climate change and other global changes, against their ability to improve resilience in response to these challenges.⁸⁹ Yemen, Mali, Afghanistan, Democratic Republic of the Congo and Somalia, all of which are dealing with conflict of some sort, are the lowest ranked. This suggests that countries mired in conflict are less suited to cope with the adverse effects of climate change. The example of Mali, which has seen years of conflict, illuminates how conflict makes people living in the region less resilient and prepared.⁹⁰ Nations that are facing instability associated with conflict dedicate less resources to preparing for climate disasters and building resilient infrastructure. In early 2019, heavy floods hit the south of Gao, causing grazing land to become scarce. Pastoralists were worried that they could be attacked by armed groups from the other side if they traveled with their livestock.⁹¹ They were forced to remain close to water sources, creating tensions with fishermen who were already residing there. Their livestock also continued to become weaker and pastoralists were forced to sell them at below-market prices. They could not travel further in search of better prices because of fear of armed groups. Herders were left struggling to feed their families after having to sell their animals.

When climate change and conflict occur alongside other factors, resilience and preparedness are further impacted. These factors include low levels of development, poor governance, and inequality. In developing countries that have seen conflict for years, these other factors usually already exist or follow suit.⁹² Instability on the ground due to conflict means communities are already struggling to cope, and the added effects of climate change further worsen their wellbeing.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ United Nations Environment Programme, "Climate Action Holds Key to Tackling Global Conflict," UNEP, accessed September 24, 2022, <https://www.unep.org/news-and-stories/story/climate-action-holds-key-tackling-global-conflict>.

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ International Committee of the Red Cross, "Seven Things You Need to Know about Climate Change and Conflict," International Committee of the Red Cross, July 7, 2020, <https://www.icrc.org/en/document/climate-change-and-conflict>.

⁹² "Climate, Environment and Conflict," Crisis Group, accessed September 24, 2022, <https://www.crisisgroup.org/future-conflict/climate-environment-and-conflict>.

It is necessary to note that we cannot over-simplify the relationship between climate change and conflict because there are a host of different factors at play in these situations and further research needs to be conducted. Delegates of UNHCR should consider the extent to which climate change affects global conflict, and vice versa. Delegates should also focus on how the presence of both climate change and conflict disproportionately affect vulnerable communities located in the global south.

Case Study: Shortage of Avocados in Mexico:

Hailstorms and a drought throughout much of Mexico led to a shortage of avocados and increase in prices in US grocery stores.⁹³ US imports of avocados have fallen drastically since then and prices are higher at restaurants as well. This year, Mexico saw hailstorms in June, leading to a 95 million dollar loss for the avocado industry in Mexico. The storm hit the western state of Michoacan in Mexico, the top-avocado producing region in the country. Hailstorms of such intensity are considered unusual for Mexico in June and are a direct result of climate change.⁹⁴ Data from Grupo Consultor de Mercados Agrícolas, an agricultural-consulting firm, shows an increase of 165% in domestic avocado prices over the past year.⁹⁵ Avocado crops have to be harvested every two years, which means farmers and producers now have to wait until 2024 to compensate for their losses.⁹⁶ Studies have also found that in the future, avocados will be less suitable to grow in areas of countries where it is a major crop, due to climate change.⁹⁷ These countries include the Dominican Republic, Indonesia, and Peru. However, different parts of the globe like the Southern United States could also see an increase in cultivation.⁹⁸ It is important to note that limited supply and the overall increase in the price of avocados are not only due to climate change. It has also been affected by the Coronavirus pandemic and rapidly rising fertilizer prices due to the ongoing war in Ukraine.

Case Study: Extreme Weather Patterns:

The 2022 heatwave in India and Pakistan has led to near 100 deaths across the two countries, triggering an extreme Glacial Lake Outburst flood in Northern Pakistan, and forest fires in India. The heat reduced India's wheat crop reserves, putting limitations on global wheat supply in relation with global conflict in Ukraine.⁹⁹ A recent study by climate researchers in the region revealed that the probability of such a heat event increased by nearly 30-fold due to

93 Alena Botros, "The Great Avocado Shortage: War, Climate Change, and a Nightmare Supply Chain Is Driving Avocado Prices to New Heights," *Fortune*, August 6, 2022, <https://fortune.com/2022/08/06/avocado-shortage-price-increase-mexico-us-supply-chain/>.

94 Ibid.

95 Ibid.

96 Ibid.

97 Chris Casey, "As Climate Change Threatens Coffee, Outlook for Avocados and Cashews Mixed, Research Finds," *Food Dive*, February 3, 2022, <https://www.fooddive.com/news/as-climate-change-threatens-coffee-outlook-for-avocados-and-cashews-mixed/618273/>.

98 Ibid.

99 "Costs of Climate Inaction: Displacement and Distress Migration," *ActionAid International*, n.d., <https://actionaid.org/publications/2020/costs-climate-inaction-displacement-and-distress-migration>.

climate change, and the same extreme heat would have been 1C cooler across the board in a pre-industrial era.¹⁰⁰ The consequences of such extreme heat on the population of the two countries was severe. Residents experienced increased dehydration, rising blood pressures and heat strokes.¹⁰¹

In addition, megacities such as New Delhi in India or Lahore in Karachi experience deteriorating air quality indexes. This is due to the further burning or ‘cooking’ of environmental gases in immense heat, including car exhausts. As a consequence, residents are exposed to widespread smog, inhalation issues, burning eyes and throats, and reduced visibility.¹⁰² It is also important to note that the most vulnerable groups of the population, such as children, seniors, and pregnant women, are highly susceptible to more severe/exacerbated health outcomes.¹⁰³ For example, the likelihood of increased blood pressure, dehydration and other heat stroke symptoms in pregnant women is thought to cause preterm births and poorer pregnancy outcomes for both the mother and child.¹⁰⁴

Not all contributors of the economy are affected equally by extreme weather events as well. In the case of heatwaves, the extreme heat hits harder on the labour force of the country, such as in India and Pakistan where there are daily wage earners.¹⁰⁵ These workers include street vendors, construction and farm workers, rickshaw and taxi drivers, and even traffic controllers. Such workers are under constant exposure to the environment, and in the case of heatwaves are working in extremely hot temperatures, without the access to cooling or hydration centers.¹⁰⁶ These daily wage earners are highly susceptible to adverse health consequences, due to lack of alternate earning and livelihood options, they have a reduced ability to cope with the heat-stress induced by such weather.

Another acute extreme weather event having severe consequences on the infrastructure and health of a country, are the 2022 flash floods in Pakistan, which have been mentioned in other sections of this guide as well. Rivers broke their banks, glacial lakes burst, and Pakistan saw the greatest loss of infrastructure and life to flooding it has seen in more than a century.¹⁰⁷ Researchers have indeed concluded that this climate catastrophe started with the prolonged onset of heatwaves in April and May for the country. An intense low-pressure system, a coastal depression and the early arrival of monsoon rainfall saw the country receive three times its average annual precipitation in this period.¹⁰⁸ Once on the land, this water has essentially nowhere to go,

100 Chris Casey, “As Climate Change Threatens Coffee, Outlook for Avocados and Cashews Mixed, Research Finds,” Food Dive, February 3, 2022, <https://www.fooddive.com/news/as-climate-change-threatens-coffee-outlook-for-avocados-and-cashews-mixed/618273/>.

101 Ibid.

102 Ibid.

103 Ibid.

104 Ibid.

105 “Costs of Climate Inaction: Displacement and Distress Migration,” ActionAid International, n.d., <https://actionaid.org/publications/2020/costs-climate-inaction-displacement-and-distress-migration>.

106 Ibid.

107 Sonia Sarkar, “Pakistan Floods Pose Serious Health Challenges,” BMJ, September 2, 2022, o2141, <https://doi.org/10.1136/bmj.o2141>.

108 Ibid.

and has caused the damage of more than 1.2 million houses. In addition, 5000 kilometers of roads and highways, and 240 bridges have been destroyed.¹⁰⁹ The province of Sindh has seen the formation of elongated lakes that are more than 10 kilometers in width, with even more water continuing to pour into it.¹¹⁰

Case Study: Climate Driven Migration in South Asia:

Countries in South Asia have historically been very vulnerable to the impacts of climate change. Floods, cyclones, and periods of drought can cause repeated crop failure, destruction of housing and personal belongings and additional destruction of income sources such as fishing resources and agricultural lands.¹¹¹

Certain examples of extreme weather events having a destructive impact on South Asian communities include Cyclone Sidr in 2007, which claimed thousands of lives and cost 1.5 billion USD of damage in Bangladesh, while Cyclone Amphan in 2020 resulted in losses totalling 13 billion USD in the Indian State of West Bengal.¹¹² In 2017, torrential rainfall in Nepal had a severe impact on 35 districts of the country, with 18 districts suffering catastrophic damage.¹¹³ Consequent flooding destroyed 190,000 houses, tens of thousands of individuals were displaced, and 134 people died in the aftermath.¹¹⁴ Total losses across all sectors including health, agriculture, irrigation plus housing amounted to over 580 million USD, which at the time was greater than 2% of the national GDP.¹¹⁵ The current and ongoing humanitarian crisis in Pakistan as a result of flash flooding due to extreme monsoon rainfall has seen an unimaginable loss of human life, infrastructure, and livestock. In Sri Lanka, there have been periods of unusually dry months followed by alarming amounts of heavy rain especially on rice and tea estates.

Across the countries in South Asia, a significant proportion of the population relies on fisheries and daily agriculture as the source of their livelihood. According to World Bank data, 65% of Nepali, 41% of Indian, 38% of Bangladeshi, 36% of Pakistani and 24% of Sri Lankan workers are employed in the agriculture sector.¹¹⁶ This sector, as discussed with reference to crop production and food insecurity, has been particularly vulnerable to climate variability and extreme weather fluctuations. Therefore, a significant part of the South Asian population, with important emphasis on the underprivileged, is at risk from the severe effects climate change can have on their livelihood and quality of life.

The adverse effects of extreme weather events in South Asian populations is a driving

¹⁰⁹ "Costs of Climate Inaction: Displacement and Distress Migration," ActionAid International, n.d., <https://actionaid.org/publications/2020/costs-climate-inaction-displacement-and-distress-migration>.

¹¹⁰ Ibid.

¹¹¹ "Costs of Climate Inaction: Displacement and Distress Migration," ActionAid International, n.d., <https://actionaid.org/publications/2020/costs-climate-inaction-displacement-and-distress-migration>.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

cause of rural to urban migration within these countries, which in turn lead to the unsustainable growth of megacities such as Karachi, Dhaka and New Delhi.¹¹⁷ In these cities, an absence of proper urban development and city planning has led to the proliferation and growth of impoverished and unsafe informal (in local terms ‘Kachi’ or unpaved) settlements, where there is a greater risk of environmental and health hazards.¹¹⁸

Displaced laborers in these countries are vulnerable and often end up in precarious labor systems. Particularly in Sri Lanka and Bangladesh, women may find employment in garment and clothing factories where there are human rights issues for the workers. For example, many victims of the Tazreen Garments Factory Fire in 2012 were Bangladeshi women that had migrated from rural areas that had significantly suffered from water stress and induced chronic crop failure.¹¹⁹ Men without polished educational or training backgrounds may find themselves working as rickshaw/taxi drivers or construction workers without regular income or social security. After Cyclone Ailia in 2009 in India, 200 men migrated from rural areas in Asansol Durgapur of West Bengal.¹²⁰ They were employed in stone-mining quarries which were poorly overseen and regulated by safety authorities.¹²¹ Many of these workers unfortunately contracted long-term/chronic tuberculosis and fatal silicosis.¹²²

Previous UN Involvement:

The United Nations High Commissioner for Refugees has a strategic framework for climate action that includes three objectives: law and policy, operations, and improving UNHCR’s own environmental footprint.¹²³ As climate refugees are the focus of our discussion, we will primarily talk about the first two objectives. It is important to note that UNHCR does not officially support the use of the term “climate refugee.” Instead, it prefers to say “persons displaced in context of disasters and climate change.” For the purpose of our discussion in committee and in position papers, we will stick to the term “climate refugee.”

Law and policy refers to the application of relevant legal frameworks to help guide discussions on climate refugees. These can include the application of the 1951 Geneva Convention, the Cartagena Declaration, and the OAU Convention. As discussed earlier, there is no specific legal framework relevant to the rights of climate refugees. Instead, definitions of a “refugee” in these existing frameworks are used on a case-by-case basis to judge whether a climate refugee should receive protection or not. The UNHCR strategic framework states that the UN can play a leading role in guiding the interpretation of existing international frameworks to climate-induced displacement.¹²⁴ The framework also encourages supporting individual states in

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Ibid.

¹²³ United Nations High Commissioner for Refugees, “Climate Change and Disaster Displacement,” UNHCR, The UN Refugee Agency, accessed September 24, 2022, <https://www.unhcr.org/climate-change-and-disasters.html>.

¹²⁴ Ibid.

developing their own frameworks that protect refugees displaced by climate change. Operations, on the other hand, refers to three main sub-objectives that UNHCR has. These include helping to preserve natural environments, enhancing the resilience of displaced people to climate-related and environmental risks, and strengthening preparedness and response in disaster situations. UNHCR outlines collaborating with governments and partners to promote sustainable agriculture, supporting regional mobility schemes to help refugees find jobs, contingency planning, identifying opportunities to transition to alternative energy sources, as ways to meet these objectives.¹²⁵

UNHCR has also had a significant presence on the ground during natural disasters to support climate refugees. These include assisting relief efforts in Central America and Southern Mexico during hurricane Eta, the relocation of refugee families when tropical cyclones hit Mozambique, and helping Rohingya refugees in southern Bangladesh to mitigate monsoon storms and flooding.¹²⁶

Most recently, the Paris Agreement in 2015 outlined the creation of a task force to make recommendations on how to avert, minimize, and address displacement related to the adverse effects of climate change.¹²⁷

Delegates of UNHCR should consider these relevant past frameworks when proposing actionable solutions that the UN can bring to the international table on the topic of climate refugees.

Next Steps:

Delegates are encouraged to explore actionable solutions that the UN can propose to address the issues faced by climate refugees. Possible solutions include working with the international community on the establishment of a new international framework that outlines the protections of climate refugees, expanding the Geneva Convention to include climate refugees as a part of its definition, working with individual states to develop frameworks catered to their needs, and finding ways to prevent states from stripping climate refugees of the rights that other refugees are entitled to.¹²⁸ Delegates are suggested to keep in mind certain limitations that the UN may face when imposing actionable solutions in relation to climate change, in contrast to policies that governments of countries themselves may have authority in.

As we have learned throughout the subtopics discussed in previous sections, refugees, internally displaced people (IDPs) and stateless persons are at the frontline of the climate emergency. At the 26th UN Climate Change Conference of the Parties (COP26), the UNHCR is urging all parties to fight the emerging and selective impacts of climate change on the most

¹²⁵ Ibid.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ United Nations High Commissioner for Refugees, "Climate Change and Disaster Displacement," UNHCR, The UN Refugee Agency, accessed September 24, 2022, <https://www.unhcr.org/climate-change-and-disasters.html>.

susceptible and vulnerable populations.¹²⁹ The UNHCR requests all parties to increase efforts which will address and minimize human displacement due to climate change and associated extreme weather patterns.

The UNHCR is committing a frontline role in the Global Protection Cluster (GPC) for protecting and helping individuals and families that have been displaced inside their countries and can not afford to or make the journey home. Upon intervention calls, the organization can send emergency-response teams that assist displaced and affected individuals by providing clean nutrition, safe shelter, and basic hygiene. They can assist in reunifying families and helping them with their documents for registration purposes. The UNHCR is also a member of the advisory group for the PDD (Platform on Disaster Displacement), and aids in collaboration with other UN entities such as the UNDP, WOM and IOM on responding to displacements in affected areas.¹³⁰

Although the UN and broader bodies have drafted incentives to assist individuals affected by climate change, the responsibility to implement these frameworks lies with our governments. It is also of key importance that countries with strong economic backgrounds that may also be major contributors of factors exacerbating climate change such as greenhouse gas emissions, take responsibility and assist the countries that are most vulnerable.

¹²⁹ Ibid.

¹³⁰ Ibid.

Topic B: Stateless Persons

Introduction to Stateless Persons:

Stateless persons are defined as “individuals who are not considered citizens or nations under the operation of the laws of any country.”¹³¹ While stateless persons face many long-term barriers such as lack of access to healthcare and education that we will discuss in detail, there are also more immediate effects associated with being stateless.¹³² These include inability to obtain travel documents and work permits, immigration detention, family separation, and periodic reporting to immigration authorities and supervision.¹³³ It is important to note that stateless persons are also refugees. However, not all refugees are stateless and many people who are stateless have never crossed an international border.¹³⁴ There are currently about 12 million stateless people in the world.¹³⁵ Nationality is an enabling right. Lack of a nationality means stateless persons cannot access education, healthcare, or move freely. Statelessness is often the result of a convergence of a number of factors and forces including xenophobia, discrimination, forced migration, poor documentation and exclusion.¹³⁶ In our discussion of stateless persons, we will focus on lack of healthcare and education, deprived freedom of mobility, discrimination against groups based on ethnicity, gender, and religion, and the emergence of new states.¹³⁷

Discrimination within and by states can also create statelessness. As we will discuss in detail in one of our case studies, the determination of who qualifies for nationality can create statelessness that lasts for generations. When a new state emerges, there are often decisions made on which ethnic groups get nationality, based on if they migrated to the state or if they had been residing there before. If a certain group of people is left out at the time, all of their future generations experience statelessness despite having lived in that state for hundreds of years. This has contributed to a large number of stateless persons in Cote d'Ivoire.¹³⁸

Delegates of UNHCR are encouraged to consider how our subtopics are interrelated and reflect these connections during committee sessions and in their position papers. For example, discrimination against groups based on ethnicity, gender, and religion, results in lack of healthcare and education for that group.

¹³¹ United Nations High Commissioner for Refugees, “Ending Statelessness,” UNHCR, The UN Refugee Agency, accessed October 22, 2022, <https://www.unhcr.org/ending-statelessness.html>.

¹³² United Nations High Commissioner for Refugees, “Statelessness,” UNHCR, The UN Refugee Agency, accessed September 24, 2022, <https://www.unhcr.org/en-us/statelessness.html>.

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ Ibid.

¹³⁶ “Statelessness,” Canadian Council for Refugees, accessed September 24, 2022, <https://ccrweb.ca/en/statelessness>.

¹³⁷ Ibid.

¹³⁸ United Nations High Commissioner for Refugees, “Côte d'Ivoire Adopts Africa's First Legal Process to Identify and Protect Stateless People,” UNHCR, The UN Refugee Agency, accessed September 24, 2022, <https://www.unhcr.org/news/press/2020/9/5f51f33b4/cote-divoire-adopts-africas-first-legal-process-identify-protect-stateless.html>.

Lack of Healthcare and Education:

The “right to health” including access to basic healthcare has been recognized as a universal human right through a number of international agreements. Any attempts to protect this right rely on individual states as the guarantor of rights and subsequently ignore stateless individuals or those lacking legal nationality in any nation state.¹³⁹ Although legal nationality itself does not guarantee access to basic healthcare, as is evident in many countries around the world, the absence of any nationality is an even greater obstacle. Stateless persons are denied medical citizenship in their countries of residence. It is important to note that the experience of stateless persons in access to healthcare can vary significantly from country to country.¹⁴⁰ For example, stateless minorities who have lived in the same place for generations may have access to healthcare in line with nationals.¹⁴¹ However, those who lack documentary proof of nationality or have insecure immigration statuses would face multiple violations of their right to health.¹⁴²

Since the adoption of the Universal Declaration of Human Rights in 1948, the right to health has been recognized as a part of the basic set of human rights.¹⁴³ There are currently 56 national governments that have formally recognized the right to health in the form of constitutional or statutory provisions.¹⁴⁴ The scope of this right continues to be subject to debate within the international community and states are the ones that decide how to provide healthcare to its citizens. The type of healthcare system adopted in a particular state informs the number of people that can access healthcare. States can decide whether to offer healthcare through state action, private companies, or a combination of both. The characterizing features of a healthcare system that can guarantee a universal right to health are similarly contested. Citizens, legal immigrants, and refugees have been documented to face a host of barriers to healthcare. Nonetheless, these groups have access to a certain extent because they are recognized within the nation they have immigrated to or in their country of origin. Individuals with no legal nationality do not have any place to make claims to rights of health.¹⁴⁵ Many stateless persons have shorter-than-average life-spans as a result of the vulnerabilities associated with their lack of legal status and the administrative red-tape surrounding their treatment.¹⁴⁶

The COVID-19 pandemic further exacerbated the challenges faced by stateless

¹³⁹ Lindsey N Kingston, Elizabeth F Cohen, and Christopher P Morley, “Debate: Limitations on Universality: The ‘Right to Health’ and the Necessity of Legal Nationality,” *BMC International Health and Human Rights* 10 (January 1, 2010), <https://doi.org/10.1186/1472-698X-10-11>.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ United Nations, “Universal Declaration of Human Rights,” United Nations, accessed October 22, 2022, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

persons in accessing healthcare.¹⁴⁷ There is a combination of factors affecting this; lack of legal status and identity documentation, institutional mistrust, fear of data sharing with immigration authorities, experiences of discrimination, and financial and language barriers. Many of them live in geographically distant locations where testing is out of reach.¹⁴⁸ In some countries, identity documents were required as a condition for access to testing. There is also a question about their access to vaccines and the ability of awareness campaigns to educate stateless person's on the effectiveness of vaccines.¹⁴⁹

Delegates of UNHCR should consider how to expand the universal right of healthcare to stateless persons and how to better track the health of stateless populations. Delegates should also consider how to better reach stateless persons during public health emergencies like the COVID-19 pandemic and restore institutional trust.

Similar to healthcare, stateless persons also do not have an education to fall under. They face administrative barriers throughout their lives in accessing education because of their status. In preliminary years, education is also responsible for the social development of children.¹⁵⁰ Consequently, children who do not go to school do not develop necessary social skills and cannot reach their full potential as adults. Many of them live in poverty when they become adults because they cannot access the job market or earn a living wage. While some countries offer free primary education to stateless children, many do not. Most state schools require identifying documentation for enrollment.¹⁵¹

Delegates of UNHCR should consider how the right of education can be extended to stateless persons and how current stateless populations that did not go to school can better access the job market.

Deprived Freedom of Mobility:

The 1951 Geneva Convention outlines five categories of people that are protected as refugees on account of race, religion, nationality, membership of a particular social group or political opinion.¹⁵² It does not apply to stateless persons. Lack of identity papers prohibit stateless persons outside of their country of origin. In this case, identity is not only associated with having a legal status, it also impacts their ability to maintain a connection with family members living abroad.

¹⁴⁷ "Why the Health Rights of Stateless People Must Be a Priority beyond the COVID-19 Pandemic and What Needs to Change to Achieve This," European Network on Statelessness, accessed September 24, 2022, <https://www.statelessness.eu/updates/editorial/why-health-rights-stateless-people-must-be-priority-beyond-covid-19-pandemic-and>.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ Robiz, "World's Stateless Children Human Rights and Stateless Children," accessed September 24, 2022, <http://children.worldsstateless.org/3/the-right-of-every-child-to-a-nationality/human-rights-and-stateless-children.html>.

¹⁵¹ Ibid.

¹⁵² United Nations, "Universal Declaration of Human Rights," United Nations, accessed October 22, 2022, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

If they are able to leave somehow, stateless persons arriving at borders are treated even worse than refugees that have a nationality in their host countries.¹⁵³ While it is up to states whether or not they uphold the protections outlined in the Geneva Convention, refugees holding any nationality are still entitled to them. Nations use the fact that stateless persons do not have a nationality to justify violations of international law. In their view, it is not a violation because stateless persons are reduced to “alien” status and it is within states’ sovereignty to treat “aliens” as they wish. Stateless persons are subjected to indefinite detention, physical and emotional abuse in detention centers, and are not given the same judicial rights as citizens during court hearings.¹⁵⁴ The US department of state holds the view that stateless persons have no legal protection at all.¹⁵⁵ While there are legal mechanisms in some states for stateless persons to obtain permanent residence, there are a number of challenges in accessing these mechanisms. There include high costs associated with getting assistance on immigration applications and limited free legal representation.

Stateless persons that are unable to prove their identity when they arrive at an international border are often subject to indefinite periods of detention. The United States is a prime example of “alien” treatment of refugees and stateless persons.¹⁵⁶ Detention centers are intentionally located in isolated areas to decrease access to legal representation and limit media exposure. Whereas refugees can be deported back to their countries of origin based on their nationality, stateless persons cannot.¹⁵⁷ Detainees have reported physical and emotional abuse, and being forced to work long hours at pay rates that are below minimum wage.¹⁵⁸ In accordance with the Universal Declaration of Human Rights, mechanisms to identify nationality should be used to prevent indefinite detention.¹⁵⁹

Delegates of UNHCR should consider how to restore stateless persons’ freedom of mobility and allow them to have the same migration rights as other refugees around the world. Delegates should also consider how to prevent states from committing blatant violations of international law in detention centers and immigration reforms that would maintain state sovereignty without robbing asylum seekers of their right to due process.

Discrimination Against Groups Based on Ethnicity, Gender and Religion:

The issue of statelessness highlights ethnic, gender, and religious biases within states. Discrimination, exclusion and persecution are the main causes for the existence of stateless

¹⁵³ Michelle Foster and Hélène Lambert, “Statelessness as a Human Rights Issue: A Concept Whose Time Has Come,” *International Journal of Refugee Law* 28, no. 4 (November 21, 2016): 564–84, <https://doi.org/10.1093/ijrl/eew044>.

¹⁵⁴ “Conditions in Migrant Detention Centers,” *American Oversight*, July 5, 2020, <https://www.americanoversight.org/investigation/conditions-in-migrant-detention-centers>.

¹⁵⁵ “Statelessness,” *United States Department of State*, April 1, 2019, <https://www.state.gov/other-policy-issues/statelessness/>.

¹⁵⁶ *Ibid.*

¹⁵⁷ *Ibid.*

¹⁵⁸ *Ibid.*

¹⁵⁹ Michelle Foster and Hélène Lambert, “Statelessness as a Human Rights Issue: A Concept Whose Time Has Come,” *International Journal of Refugee Law* 28, no. 4 (November 21, 2016): 564–84, <https://doi.org/10.1093/ijrl/eew044>.

minorities.¹⁶⁰ Further, more than 75% of the world's known stateless populations belong to minority groups.¹⁶¹ Statelessness can increase the exclusion minorities already face and deepens the chasm between stateless minorities and the wider community, resulting in a heightened sense of not belonging. At least 80 countries around the world maintain nationality laws in which nationality can be denied or deprived in a discriminatory manner, increasing the likeliness of minorities being stateless.¹⁶² Examples of stateless minorities include the karana of Madagascar, and the pemba and makonde of Kenya.¹⁶³

While it is within states' sovereign rights to set rules for the acquisition and withdrawal of nationality, these rules are limited in scope due to state obligations under international treaties and the principles of international law. Rules concerning nationality that discriminate on grounds of ethnicity, gender, religion, age, language sexual orientation, or disability violate the Universal Declaration of Human Rights.¹⁶⁴

Discrimination based on ethnicity can be found in citizenship laws that exclude minority ethnic groups and reiterate the argument that statelessness is a source of marginalization.¹⁶⁵ Exclusion can take the form of a list of ethnic groups who qualify for citizenship at birth, preventing all others from acquiring nationality. These lists often use historically important dates as indicators for who is included in the list, saying only the groups before or on that day have a right to nationality. Most of the time, this is the country's day of independence. The descendants of these people then remain stateless despite having resided on the land for hundreds of years.¹⁶⁶

Approximately 50 countries have nationality laws that deny women the equal right to confer nationality on their spouse, and 25 countries have nationality laws that deny women the same right as men to pass citizenship on to their children.¹⁶⁷ Many states' nationality laws are predominantly patriarchal and reaffirm existing stereotypes of women being dependent on their husbands. These laws have been used to prevent women from acquiring and retaining nationality independent of the nationality status of her husband.¹⁶⁸ Gender discrimination is the root cause of childhood statelessness in various countries. There are instances where the child cannot acquire nationality from their father. This can occur if the father is stateless himself or has been unable to provide necessary documentation to prove his own nationality. In such cases, the mother of the child should be allowed to confer her nationality to them. For example, in the Bahamas, only children born to Bahamian fathers can acquire the Bahamian nationality. Bahamian fathers are also permitted to confer their nationality on to children born abroad, but

¹⁶⁰ "» Stateless Minorities and Their Search for Citizenship," accessed October 22, 2022, <https://www.unhcr.org/ibelong/stateless-minorities/>.

¹⁶¹ CAHIER Laura, n.d., accessed September 24, 2022.

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ United Nations, "Universal Declaration of Human Rights," United Nations, accessed September 24, 2022, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

¹⁶⁵ "» Stateless Minorities and Their Search for Citizenship," accessed September 24, 2022, <https://www.unhcr.org/ibelong/stateless-minorities/>.

¹⁶⁶ Ibid.

¹⁶⁷ Global Campaign for Equal Nationality Rights, "The Problem," accessed October 22, 2022, <https://equalnationalityrights.org/the-issue/the-problem>.

¹⁶⁸ Ibid.

bahamian mothers are not.¹⁶⁹

Discrimination based on religion or belief can be found in the nationality laws of states in the Middle East and the North Africa region such as Algeria and Kuwait. These laws are often a combination of religious and racial discrimination and are deeply rooted in Islamic history.¹⁷⁰ As Islam became more prevalent, the bonds tying tribal societies together became less prevalent and Islam was highlighted as the common bond between citizens.¹⁷¹ States use this fact to draw an equivalency between Muslims and persons of Arab descent, making minorities in the region more prone to statelessness.

Delegates of UNHCR should consider how to prevent states from using nationality as a means to discriminate between people based on ethnicity, gender, and religion.

Emergence of New States:

In the past, the emergence of new states historically has led to more statelessness.¹⁷² The collapse of empires and the rise of independent states in the twentieth century produced an unprecedented number of people without national belonging. Conflict over land and borders continues even after the emergence of new states. Drawing borders is complex and it is difficult to with any certainty when a new state has actually emerged.¹⁷³ Further, the state must then decide who qualifies for nationality and who doesn't, which leads to more statelessness. As discussed earlier, states often use the day of independence as a point of demarcation for who acquires nationality and who does not.¹⁷⁴

Delegates of UNHCR are encouraged to consider the implications of the emergence of new states on statelessness.

Case Study: Lack of Healthcare in Malaysia:

Healthcare in Malaysia is based on a dual system involving stakeholders from the public and private sector.¹⁷⁵ The government decides most policies and the cost of healthcare is higher for non-citizens. There is a large number of stateless children in Malaysia, found mostly in the

¹⁶⁹ "The State We're In: Sex Discriminatory Nationality Laws in the Americas Region," Equality Now, August 17, 2022, https://www.equalitynow.org/news_and_insights/the-state-were-in-sex-discriminatory-nationality-laws-in-the-americas-region/.

¹⁷⁰ United Nations, "Universal Declaration of Human Rights," United Nations, accessed September 24, 2022, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

¹⁷¹ "Muhammad and the Origins of Islam: The Pre-Islamic World," The Human Journey, April 27, 2017, <https://humanjourney.us/ideas-that-shaped-our-modern-world-section/mohammad-and-the-beginnings-of-islam-mecca-backdrop/>.

¹⁷² Stephan Leibfried et al., "The Emergence of the New World States," in *The Oxford Handbook of Transformations of the State* (Oxford University Press, 2015), <http://dx.doi.org/10.1093/oxfordhb/9780199691586.013.5>.

¹⁷³ Ibid.

¹⁷⁴ Ibid.

¹⁷⁵ Amanda R. Cheong and Mary Anne K. Baltazar, "Too Precarious to Walk: An Integrated 'Three Delays' Framework for Modeling Barriers to Maternal Health Care and Birth Registration among Stateless Persons and Irregular Migrants in Malaysia," *Genus* 77, no. 1 (September 3, 2021), <https://doi.org/10.1186/s41118-021-00129-3>.

state of Sabah, that cannot afford healthcare facilities and treatments.¹⁷⁶ In the past, UNHCR arranged with the Malaysian government that allow refugees who have registered with UNHCR to gain access to public healthcare facilities at half the price.¹⁷⁷ However, costs are so high that they cannot afford to pay despite the agreement.¹⁷⁸ Stateless persons also face language barriers and reluctance to go to healthcare facilities for fear of being arrested by authorities due to their vulnerable status.¹⁷⁹

Migrants and stateless persons in Malaysia, particularly within the state of Sabah, have difficulties in the registration of births in their communities, which leads to difficulties including accessing the public healthcare system within Malaysia.¹⁸⁰ Under-registration in Malaysia is associated with questions of national identity and a sense of belonging. The state of Sabah is characterized by immigration ties within the region that even go back to the imposition of colonial boundaries. Sabah's economy is heavily dependent on migrant labor from Indonesia and the Philippines, however this dependency has been linked with a high anti-immigrant sentiment.¹⁸¹ This sentiment has then been politicized in the making of official documentation, including birth certificates. In the mass media, politicians often vilify and use migrant workers, refugees and other stateless persons as scapegoats in their campaigns, resulting in them being wrongly linked to the theft of domestic jobs and criminalization, particularly more so during the COVID-19 pandemic.¹⁸²

A three-phase system in which stateless persons experience delays in birth registration and subsequent health care access in Malaysia, focused on Sabah, has been articulated by researchers. In Phase 1, there lies a question within the decision to even apply for a birth certificate in the first place.¹⁸³ The decision to apply for a birth certificate, and the decision to access healthcare facilities, is affected by socioeconomic and cultural aspects. There are financial constraints in the application process, issues within the perception of birth certificate importance, and consequently a consideration of the opportunity costs involved during the whole process. In Phase 2, the researchers describe the limitation of accessing transportation, both due to geographical and affordability factors, for stateless persons to reach healthcare facilities and registration offices.¹⁸⁴ Finally, in Phase 3 delays, there are difficulties stateless persons and migrant workers face upon arrival at registration offices and healthcare facilities, in terms of front desk or initial receipt/navigation. They often face long delays and queues, and there are extended wait times upon submission of registration documentations at civil offices and hospital

¹⁷⁶ Ibid.

¹⁷⁷ Michelle Foster and Hélène Lambert, "Statelessness as a Human Rights Issue: A Concept Whose Time Has Come," *International Journal of Refugee Law* 28, no. 4 (November 21, 2016): 564–84, <https://doi.org/10.1093/ijrl/eew044>.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

¹⁸⁰ Lea Sacca et al., "Barriers, Frameworks, and Mitigating Strategies Influencing the Dissemination and Implementation of Health Promotion Interventions in Indigenous Communities: A Scoping Review," *Implementation Science* 17, no. 1 (February 21, 2022), <https://doi.org/10.1186/s13012-022-01190-y>.

¹⁸¹ Ibid.

¹⁸² Ibid.

¹⁸³ Amanda R. Cheong and Mary Anne K. Baltazar, "Too Precarious to Walk: An Integrated 'Three Delays' Framework for Modeling Barriers to Maternal Health Care and Birth Registration among Stateless Persons and Irregular Migrants in Malaysia," *Genus* 77, no. 1 (September 3, 2021), <https://doi.org/10.1186/s41118-021-00129-3>.

¹⁸⁴ Ibid.

locations.¹⁸⁵

These researchers have observed that there is a strong relationship between the barriers to accessing primary health care, such as obstetrical care, and the difficulties in civil registration. They have singled out the role and responsibility of healthcare providers in facilitating and highlighting the uptake of birth registration.¹⁸⁶ In this regard, there has been a positive correlation shown between the presence of a skilled health care attendant and the use of postnatal care with the children's possession of a birth certificate. It has therefore been suggested that improving access to health care and bettering the ability of the government to monitor population health, via expanding civil registration coverage, are mutually contributive goals.¹⁸⁷ This is important as we realize that the risk of exclusion from healthcare systems for stateless persons, raises the mortality and morbidity rates for these communities, as well as the likelihood that these circumstances go unnoticed by governing bodies.¹⁸⁸ Out of system pregnancies and births can lead to the rise of unregistered births, which as we have concluded, can foster an intergenerational/repeating cycle of exclusion for stateless individuals.

Case Study: Discrimination in Cote d'Ivoire:

Close to 700,000 people living in Cote d'Ivoire are currently stateless or at risk of statelessness. People brought into Cote d'Ivoire during colonial times from neighboring nations such as Burkina Faso and Mali did not receive nationality when Cote d'Ivoire gained independence. These people were brought into the Ivory Coast to work on plantations.¹⁸⁹ The government at the time used nationality as a way to divide people within the country and exclude groups that had arrived from Burkina Faso, Mali, and Guinea, as "foreigners."¹⁹⁰ Descendants of people who came in from neighboring countries still have no nationality despite having lived there for generations. Further, there is no provision in Cote d'Ivoire's national law to give nationality to children abandoned by their parents, called foundlings.¹⁹¹ Since their births are never registered, these children also do not enrol in school. Both past discrimination based on nationality and the high number of foundlings contribute to the large amount of stateless persons in Cote d'Ivoire.¹⁹² There are also cases of people who are stateless because they lack the documentation needed to prove their nationality. As a result, they cannot access services such as education and healthcare.¹⁹³

Cote d'Ivoire recently acceded to Africa's first Statelessness Determination Procedure.

¹⁸⁵ Ibid.

¹⁸⁶ Ibid.

¹⁸⁷ Lea Sacca et al., "Barriers, Frameworks, and Mitigating Strategies Influencing the Dissemination and Implementation of Health Promotion Interventions in Indigenous Communities: A Scoping Review," *Implementation Science* 17, no. 1 (February 21, 2022), <https://doi.org/10.1186/s13012-022-01190-y>.

¹⁸⁸ Ibid.

¹⁸⁹ "» Stateless Minorities and Their Search for Citizenship," accessed September 26, 2022, <https://www.unhcr.org/ibelong/stateless-minorities/>.

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

¹⁹² Ibid.

¹⁹³ Ibid.

Cote d'Ivoire will now formally recognize statelessness as a status and pave the way for people to receive identity documents, enroll in school, access health services, seek lawful employment, open a bank account, and buy land.¹⁹⁴ The government is also now working to resolve thousands of cases of individuals of undetermined nationality by introducing a law that will allow stateless people to apply for citizenship if they have resided in Cote d'Ivoire for decades.

Case Study: Emergence of Sri Lanka:

Sri Lanka emerged as an independent state in 1972.¹⁹⁵ At the time, the majority of the population was Buddhist. Minorities consisted of Hindus, Christians, and Muslims. It had been a British colony since 1801.¹⁹⁶ To cater to advocates in the country wanting full independence, the British attempted to develop a representative government on the island through an 1833 constitution that created a legislative council.¹⁹⁷ Then, in 1931, the new constitution gave more authority to native elected officials over internal concerns. Empowered by these new laws, the country declared its independence from Britain but remained a commonwealth of the British empire.¹⁹⁸ In 1972, Sri Lanka officially proclaimed itself as an independent republic. During the struggle for independence, there was back and forth between the Tamil and Sinhala groups over which group held more power within the constitution and governments. Post-independence struggles to equalize power continued.¹⁹⁹

Demographic patterns within Sri Lanka can unfortunately be seen with a dividing lens in terms of ethnicity and religion. In a 1981 statistical census, following the independence in 1972, the population of Sri Lanka was categorized as 74% Sinhala, 12.7% Sri Lankan Tamil, 5.5% Indian Tamil, 7.05% Muslims, 0.26% Burghers and numerous other smaller groups including Malays make up the remainder of the population.²⁰⁰ Within these groups lie clear religious divisions as well, Sinhala Buddhists make up 69.30%, Hindu Tamils constitute 15.48% and Muslims account for 7.55% of the population along with 7.61% Christians.²⁰¹

With the population dynamics being clear, we can now come to understand some of the factors that formed the basis for ethnic and religious conflict before and following the emergence of Sri Lanka. Sri Lanka has a clear history of ethnic and religious conflict in the late 19th century, throughout the 20th century, and continuation into the 21st century. In most instances, the violence was unleashed on the ethnic and religious minorities by the Sinhala majority. Instances of

194 United Nations High Commissioner for Refugees, "Côte d'Ivoire Adopts Africa's First Legal Process to Identify and Protect Stateless People," UNHCR, The UN Refugee Agency, accessed September 26, 2022, <https://www.unhcr.org/news/press/2020/9/5f51f33b4/cote-divoire-adopts-africas-first-legal-process-identify-protect-stateless.html>.

195 "Nationalism, Development and Ethnic Conflict in Sri Lanka," in *Nationalism, Development and Ethnic Conflict in Sri Lanka* (Cambridge University Press), 1–19, accessed September 26, 2022, <http://dx.doi.org/10.1017/9781108553414.002>.

196 Ibid.

197 Ibid.

198 Ibid.

199 Ibid.

200 K.M. de Silva, "Introduction—Ethnic Conflict in Buddhist Societies: Sri Lanka, Thailand and Burma," in *Ethnic Conflict in Buddhist Societies: Sri Lanka, Thailand and Burma* (Routledge, 2019), 1–11, <http://dx.doi.org/10.4324/9780429033087-1>.

201 Ibid.

violence include the pre-independence 1883 riots in Columbo which stemmed from violation of Catholic sacred space in their own view.²⁰² The anti-Muslim violence of 1915 arose as a result of trade conflicts and rivalries between Muslim and Sinhala traders. The antagonism and violence against Malayalis in the 1920s and 1930s came about Malayali workers being considered a financial threat by Sinhala officials during an economic depression. It is evident that historic and traditional forms of inter-ethnic and religious violence in Sri Lanka even before independence, can underline events of conflict that are still ongoing today.²⁰³

There are three preliminary points that may be used to understand why the current ethnic conflict between the Sinhala and Tamil people still continues in Sri Lanka. The first is that, at each attempt to resolve conflict between the two groups, certain polarized debates and controversies have only exacerbated the divide between them.²⁰⁴ Secondly, inconclusive solutions to mend differences between the two parties have reconstituted the conflict itself, redefining parameters the two oppose each other on, and narrowing any path for peace. Peace negotiations between the two major groups, the Government of Sri Lanka and the LTTE (Liberation Tigers of Tamil Eelam) have led to the rediscovery of existing enmities and the reinforcement of antagonisms between the parties.²⁰⁵ The third aspect, is the difference between the possible or attainable peace as opposed to the peace desired politically by the government, which minimizes positive outcomes for the LTTE in several occasions, or vice-versa. (Jayadeva Unogoda 2007).

Previous UN Involvement:

We will discuss three documents relating to the UN's involvement on the issue of stateless persons: the 1954 Convention relating to the Status of Stateless persons, the 1961 Convention on the Reduction of Statelessness, and the more recent UN Handbook on the Protection of Stateless Persons.²⁰⁶

The 1954 Convention relating to the Status of Stateless Persons was designed to ensure that stateless persons enjoy a minimum set of human rights. The convention establishes the legal definition of a stateless person as someone who is "not recognized as a national by any state under the operation of its law."²⁰⁷ The convention established minimum standards of treatment for stateless persons with a right to education, employment, and housing.²⁰⁸ It also guaranteed stateless persons the right to identity, travel documentation, and administrative assistance.

The 1961 Convention on the Reduction of Statelessness aims to prevent statelessness and reduce it over time. It established an international framework to ensure the right of every person to a nationality and requires that states have safeguards in their nationality laws to

²⁰² Ibid.

²⁰³ "Sri Lanka," accessed September 26, 2022, https://www.cs.mcgill.ca/~rwest/wikispeedia/wpcd/wp/s/Sri_Lanka.htm.

²⁰⁴ Ibid.

²⁰⁵ Ibid.

²⁰⁶ United Nations High Commissioner for Refugees, "Ending Statelessness," UNHCR, The UN Refugee Agency, accessed September 26, 2022, <https://www.unhcr.org/ending-statelessness.html>.

²⁰⁷ Ibid.

²⁰⁸ Ibid.

prevent statelessness at birth and later on in life.²⁰⁹ Children are to acquire the nationality of the country in which they are born if they do acquire any other nationality. There are also important safeguards mentioned to prevent statelessness due to loss or renunciation of nationality and state succession, such as protection in case the termination of a marriage would lead to a loss of nationality.²¹⁰ Further, the Convention highlights the limited situations in which states can deprive a person of his/her nationality even if it would leave them stateless.²¹¹ These include situations where nationality has been acquired through misrepresentation or fraud or if the behaviour of the individual is seriously prejudicial to the state's vital interests. It is necessary to clearly define the situations in which deprivation of nationality is permitted to prevent states from abusing this right.

The UN Handbook on the Protection of Stateless Persons was published in 2014 and is essentially an update for the frameworks established in the 1954 Convention. The handbook explains the definition of statelessness and outlines procedural considerations for determining whether a person is stateless or not.²¹² The most significant update was that the handbook describes criteria for determining statelessness by considering different interpretations of the term and what defines a state itself. Further, the handbook talks about determination procedures and the different ways to assess statelessness. The handbook also makes note of the varying circumstances faced by stateless persons and the presence of unique cases such as individuals awaiting determination of statelessness, consideration of local ties, and where statelessness results from voluntary renunciation of nationality as a matter of convenience or choice.²¹³

Delegates of UNHCR should consider these relevant past frameworks when proposing actionable solutions that the UN can bring to the international table on the topic of stateless persons.

Next Steps:

Delegates are encouraged to explore actionable solutions that the UN can propose to address the issues faced by stateless persons and end statelessness overall. Delegates are encouraged to look for solutions through the various subtopics we have discussed.

Possible solutions include working with states to resolve existing situations of statelessness and enhancing existing international frameworks on statelessness by clearly defining the situations under which a state can refuse nationality resulting in statelessness.²¹⁴ In its role as a UN agency, UNHCR can only work with the international community to publish these frameworks in accordance with international law. It is up to states whether or not they choose

²⁰⁹ Ibid.

²¹⁰ Ibid.

²¹¹ Ibid.

²¹² United Nations High Commissioner for Refugees, "Handbook on Protection of Stateless Persons," UNHCR, The UN Refugee Agency, accessed September 26, 2022, <https://www.unhcr.org/protection/statelessness/53b698ab9/handbook-protection-stateless-persons.html>.

²¹³ Ibid.

²¹⁴ United Nations High Commissioner for Refugees, "Ending Statelessness," UNHCR, The UN Refugee Agency, accessed September 26, 2022, <https://www.unhcr.org/ending-statelessness.html>.

to enforce them. The 1954 and 1961 Conventions relating to the status of stateless persons, as discussed earlier, still do not have the support of the entire international community. Some countries are debating their merits even now, several decades down the line.²¹⁵

UNHCR can further help stateless persons through identification, prevention, reduction, and protection.²¹⁶ The identification of stateless persons is the first step toward resolving statelessness. Many stateless persons live on the margins of society and are undocumented, so there is no statistical information available to guide us on the number of stateless persons in a particular country. It is important for UNHCR to work with governments to provide support for activities like population censuses that would also help in increasing access to healthcare and education. Prevention of statelessness pertains to working with governments on their nationality law to ensure they are compliant with international law and the Universal Declaration of Human Rights. Preventing discrimination within nationality laws based on gender, race, and religion will prevent the exclusion of minorities from society. Further, UNHCR can work with states to advise on the provisions needed in their nationality laws to prevent childhood statelessness, such as allowing females to confer nationality to their children.²¹⁷ Reduction refers to finding a solution for the large number of stateless persons that exist today, UNHCR estimates that there are about 10 million of them today.²¹⁸ This number is very likely to be a given estimate given the difficulties in gathering population data of stateless persons. UNHCR needs to work with governments to help them make necessary changes to legislation that would provide stateless persons with a path to nationality. Protection of stateless persons means ensuring they are treated humanely until they can acquire a nationality or provide documentation that proves their nationality.²¹⁹ UNHCR achieves this by providing technical assistance and advice to governments to provide stateless persons with a recognized legal status that gives them access to administrative documentation, healthcare, education, freedom of mobility, and the right to work.

²¹⁵ Ibid.

²¹⁶ United Nations High Commissioner for Refugees, "Prevention and Reduction of Statelessness and the Protection of Stateless Persons," UNHCR, The UN Refugee Agency, accessed September 26, 2022, <https://www.unhcr.org/excom/exconc/3ae68c443f/prevention-reduction-statelessness-protection-stateless-persons.html>.

²¹⁷ Ibid.

²¹⁸ Ibid.

²¹⁹ Ibid.

General Tips for Research, Writing Position Papers, and the Conference:

Read the Background Guide! While we unanimously agree it can be an intimidating document, it is ultimately a resource that helps you and gets you started. The more you relate your work to the background guide, the more on track you will be to making productive working papers and speeches!

Research credible sources - We will be checking! These include scholarly articles, peer-reviewed papers, anecdotal work, UN documents and resolutions, legal frameworks and legislations, etc. Do not feel limited by what you can and cannot research, but ensure that they are trustworthy and accurate! If you're not sure, email us and ask!

Position papers should be no more than one page. While I am aware that UTMUN's policy is maximum two pages, mine is one. Be super concise and straight to your point.

Be as specific as you can with your position paper. What policy, legislation or framework do you support and why? Why does it advantage your state?

Adhere to your country's foreign policy. You are a unique nation with your own sets of values, beliefs, and political ideologies. The more you stay true to your character, the more productive and healthy debate will follow. As such, be careful who you form blocs with - they might disagree and that is okay!

Equity matters, always. We are dealing with incredibly sensitive topics, so please be mindful about how you approach your country's political stance, even if it is relatively controversial. UTMUN strives to ensure the comfort of all Delegates, and you play a large part in that!

Engage in every way that you can! Model UN is only exciting when you talk, pass notes, form blocs, participate in writing working papers, debate, etc. We rely on you to make the conference lively, don't let us down!

Trust your dais. We are experienced and heavily-trained Model UN staff. If there is anything we can do, during the conference or otherwise, please let us know! If you are new to Model UN, please reach out to us and let us know how we can improve your UTMUN experience!

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