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SECURITY SYSTEM FOR STATELESS PERSONS

Although there are many international treaties on the reduction or elimination of statelessness, national citizenship laws can also help. However, the fact is that the number of stateless people is still rising every year, and there is no effective legal regulation on them, and the living state is chaotic, and the lack of rights has not improved. This paper intends to clarify the urgency and importance of stateless people through the status quo and suggestions of the security system of stateless people, so as to lay the foundation for how to regulate stateless people, and how to solve the lack of rights and difficult life of stateless people, and provide a meager opinion for the solution of international human rights.

The full text is mainly divided into individual and individual parts. The first part is the basic requirements of the legal regulation of stateless people; the second part is the improvement of stateless people. Finally, I conclude my conclusions and wishes for the problem of stateless people.

Keywords: stateless, protection of rights, regulatory advice, security system, international treaties.

Лую Жєнгронг

Система безпеки осіб без громадянства

Незважаючи на те, що існує багато міжнародних договорів щодо скорочення або усунення безгромадянства, національне законодавство про громадянство також може допомогти. Проте кількість осіб без громадянства щороку зростає, а дієвого законодавчого регулювання щодо них немає. Стан життя хаотичний, водночас безправність зростає. Мета статті – прояснити терміновість і важливість осіб без громадянства через статус-кво та надати пропозиції щодо системи безпеки людей без громадянства, щоб закласти основу для регулювання статусу осіб без громадянства, запропонувати вирішення проблем відсутності прав і важко-кого життя осіб без громадянства та надати роз'яснення щодо міжнародних прав людини.

Насамперед важливо визначити кандидатів для механізму перевірки осіб без громадянства. Щодо регулювання проблеми осіб без громадянства, то рівень управління керівників значною мірою визначає, чи можна це питання вирішити точно та вчасно, а також чи зможуть національні правила та політика керувати всією країною та досягати практичних результатів. Тому для більш точної ідентифікації та управління особами без громадянства та забезпечення внутрішнього порядку, крім найважливіших договорів і національного законодавства, також важливо встановити механізм перевірки осіб без громадянства та посилити навчання керівного персоналу. Зокрема, керівники мають вивчити питання безгромадянства, у т. ч. не лише внутрішню політику та нормативні акти, а й міжнародні договори, щоб мати чітке уявлення та потужні знання щодо національного та міжнародного законодавства. По-друге, їм необхідно вдосконалювати свої професійні навички, у т. ч. використання мови, а також правильне розуміння та прийняття правил і політики. Тільки таким чином ми можемо гарантувати, що правоохоронний процес може діяти більш справедливо та розумно, і що він не зможе вплинути на законні права осіб без громадянства через неправильне розуміння чи неправильне тлумачення.

Повний текст переважно поділяється на окремі частини. Перша частина – це основні вимоги правового регулювання осіб без громадянства; друга – покращення стану осіб без громадянства. Насамкінець обґрунтовано висновки та побажання щодо покращення проблем осіб без громадянства.

Ключові слова: особи без громадянства, захист прав, регуляторні консультації, система безпеки, міжнародні договори.

Introduction

The problem of stateless people has become a more serious global problem, and in the process of social development, it will become more and more prominent, and the protection measures and regulatory channels of various countries have relatively great shortcomings. Before making suggestions to improve the legal regulations made by all countries against stateless people, we should first establish a basic requirement of the regulation, or say that all countries should abide by some basic principles. Efforts are made to protect stateless people under these basic requirements [1].

On the one hand, the entire international community should respect the human rights of stateless persons. In the process of protecting stateless people, they have been influenced by various factors, politics, religion, ideology, thought, regime structure and so on. Only by adhering to the principle of human rights and humanitarianism is the basis of overcoming these factors, only under the principle of fairness and neutrality, and avoid these stateless people who are trapped from self-protection. The question of stateless people is ultimately the question of how to protect human rights.

On the other hand, stateless people, as a group that can legally stay in their host country, should naturally abide by the laws and regulations of their host country. This not only reflects the principle of sovereignty and independence shown by the host country, but also provides the basis for the management of its social order.

1. Basic requirements of the legal regulation of stateless people

Human rights are born in every life and cannot be arbitrarily deprived for any reason. Whether international treaties, such as the Universal Declaration of Human Rights, the International Convention on Civil and Political Rights, or regional conventions, such as the European Convention on Human Rights, all reflect the profound impact that human rights cannot be arbitrarily deprived.

Human rights should be a historical human category, contributing to the citizens and justice of the whole society [2]. Therefore, both internationally and both internally, politicians should be deeply aware of the great meaning of human rights, respect the human rights of stateless people, and protect their due rights. Originally, nationality management should be the internal affairs of a country and should not be interfered with. Now that sovereign states can sacrifice or surrender, some of their interests to protect human rights, protected stateless people should return by abiding by the law. This is not a transactional event, but it should be a civilized comity, reflecting a concept of international peace [3].

In fact, the various international treaties undoubtedly confirm the independent legal status of stateless people. That is to say, the legal status of stateless people is recognized internationally, and there are more detailed safeguard measures for the various rights and obligations represented by such legal status. However, international treaties are not enforced domestic laws, and the limited number of accession to the various treaties is limited; and there are no direct special legal provisions governing the code of conduct of stateless persons let alone specific administrative strategies to safeguard their rights. On the one hand, internationally speaking, international organizations such as the United Nations are obligated and should try to push countries forward to existing treaties designed to prevent and reduce statelessness.

The obligation to abide observe the treaty, facing up to and respecting the legal status of stateless persons; on the other hand, at home, the seriousness of the stateless problem should be fully recognized, not just the demographic threat of a numerical surge, More should be considered that they may trigger without protecting their rights, such as drug trafficking, human trafficking and other criminal acts that affect social order [4]. Therefore, in recognition of these adverse consequences, what governments should do more is to face up to the legal status of stateless persons within their borders.

2. Suggestions on Improving the Legal Regulation of Stateless People

2.1. We will further improve relevant laws and regulations

In the international community, in order to fully protect the legitimate rights and interests of stateless persons and to reduce the existence of stateless persons, the United Nations formulated the Convention on the status of stateless persons and the Convention on 20 September 1954 and 30 August 1961, respectively. The two Conventions for the protection of stateless people play a pivotal role, however, with the expansion of war and natural disasters in recent years, the number of refugees is increasing, and evolved into the number of stateless people is amazing, so in order to further promote the protection of stateless personnel, prevent and reduce the occurrence of stateless phenomenon, reasonable legal regulation, intensify legislation, urgent [5]. International treaties provide for them. The existing two international treaties have a limited number of accession countries, thus further promoting the accession of other unjoined countries. More importantly, in response to the development of The Times and the great changes in the world landscape, the United Nations Human Rights Council should

develop more specific international treaties based on the status and consequences of the development of stateless people, including the reduction of the number of stateless persons and to guarantee the rights of stateless people [6].

The signing of new multilateral international treaties is also an effective way to further reduce the existence of stateless people, which will maximize the opportunity of originally stateless people to obtain the corresponding nationality. For example, a person born on a ship may be deemed to have the nationality of the flag country; Similarly, a person born on plane may be considered to have the nationality of the aircraft registration country. If such a similar provision is established by international treaties, it can effectively reduce the occurrence of statelessness in the international community, especially in the contracting states [7].

2.2. Establish a screening mechanism for stateless persons

In order to protect the stateless people without compromising the sovereignty (abuse of protection) of the host country, one premise is that we must have a good mechanism to identify whether they are stateless or not [8].

First of all, it is a very important issue to determine the candidates for the screening mechanism of stateless persons. On the issue of regulating stateless people, the management level of managers greatly determines whether this matter can be handled accurately and timely, and also affects whether the national regulations and policies can run the whole country down-to-earth and achieve practical results [9]. Therefore, in order to more accurately identify and manage stateless people and ensure domestic order, in addition to the most important treaties and domestic legislation, it is also important to establish the screening mechanism of stateless people and strengthen the training and guidance of management personnel. Specifically, these managers are required to learn statelessness, including not only domestic policies and regulations, but also international treaties, so as to be justified in the regulations [10]. Second, they need to improve their professional skills, including the use of language, and the correct understanding and adoption of regulations and policies. Only in this way can we ensure that the law enforcement process can act more fairly and reasonably, and that it will not be able to affect the legal rights of stateless people because of misunderstanding or misinterpretation [11].

Second, determine the reasonable procedures for screening. Procedural justice can guarantee substantive justice. Identifying a reasonable, concise screening procedure is very necessary to accelerate the screening process, reduce costs and provide convenience for stateless persons. In fact, the administrative and judicial structure of different countries differ greatly, so it is impossible to produce a unified screening process. Some countries use specially established procedures for screening, others consider them in the general foreigner inspection procedures, and others may adopt informal procedures, namely, the screening of special or temporary arrangements. Each country can adopt the most suitable procedure on its own according to the specific situation of its own country [12]. However, no matter what procedure is used for screening, there should be a consensus, or a minimum requirement.

Finally, there is a very important question, which is the basis for screening, that is, what to judge whether it is stateless. Then there may be at least three bases, international treaties, domestic law, international treaties and domestic law. First, in countries that have acceded to stateless persons, they can be judged by the content of the treaty; second, in stateless non-treaty countries, they can be judged by their domestic law, and some countries will combine international treaties with their domestic law. Depending on the difference, the results are naturally different. However, countries should have a basic standard, that is, based on the principle of human rights and arbitrary expulsion, try to adopt a fair and reasonable basis to achieve the purpose of discrimination [13].

3. Establish an independent supervisor machine

Judging from the nature, there is an overlap between the management of stateless people and the usual entry and exit (immigration) management business, both of which involve the supervision of the entry, residence and life of foreigners. However, the two are very different. For the general entrants, the country is often concerned more about the national interests and the value pursuit, even if the management of stateless people is more about humanitarian consideration, with the protection of their basic human rights from the system. Therefore, the administrative authority of stateless people should be independent, different from the general entry [14]. At the same time, the problem of law enforcement subjects regulated by stateless people has fallen into a chaotic situation such as the large number of management subjects and cross-management. This is not conducive to the orderly management of governments, nor conducive to the life of stateless people [15]. Therefore, governments should tend to establish «one-train» measures to uniformly manage and regulate stateless people (and other foreigners) people. This measure is somewhat similar to China's «one-window external», «joint management, centralized management» measures in the administrative law.

4. To determine the application of the law

In the case of stateless, it is usually difficult to conduct civil activities in a country, because there is no law to regulate their civil activities, and can only turn to restrict their participation in civil activities. This is a relatively helpless practice of various governments, but it has also caused a great violation of the rights of stateless people. In order to solve the negative conflict of nationality caused by domestic law is not available, usually turn to consider the parties residence, residence, actual residence, court factors is feasible, should also be the parties have nationality and their parents' nationality, residence, residence and other factors into consideration [16]. In terms of specific methods, firstly, check whether the party has the nationality in the past, then applying the law of the past nationality. Secondly, then, the law of the residence of the country where the party has no residence, the nationality of the residence shall be taken. In addition, the more flexible application of the principle of parental nationality or domicile can take a more flexible form. The judge can be allowed to judge the necessity of the application of the principle and then decide whether and how to apply it [17]. When the above factors of the parties and their parents are in blank, the parties can be required to be naturalized as the local nationals of the court state, so that the local law of the court can be applied.

5. Reconstruction of the «Nansen Passport»

As mentioned earlier, despite the series of international conventions to protect the rights of stateless people, the above conventions clearly pale. Therefore, the existing mechanisms that protect stateless people by relying solely on the compliance of States with their obligations clearly cannot provide effective protection for stateless people. In this regard, we should establish a more powerful and effective international mechanism to remedy the rights of stateless people. Can learn from Dr Fernansen to solve the problem of refugees and stateless people and the creation of the «nansen passport» system, establish a similar «UN green card» system, make it illegally deprived of nationality or should obtain nationality without nationality stateless people hold the United Nations granted «id card», and make it in any third country. This does not have to yield to the harsh conditions of the countries, but also to achieve the purpose of protection. There should also be a special international body like the United Nations refugee summer to deal with the problem of stateless persons (also connected with domestic authorities); at the same time, countries should strengthen cooperation to improve the international sanctions mechanism against the basic human rights of stateless persons, and provide direct protection for stateless persons [18].

Conclusions

Although the world situation is not as turbulent as in war times, it is still fighting in some areas such as the Middle East, coupled with the deteriorating world climate, frequent natural disasters and the emergence of refugees, and the number of stateless people will only increase. The seriousness of the problem is also evident through the Stateless Global Action Plan introduced by UNHCR to reduce statelessness.

No matter from the perspective of human rights or social order, all countries and the international community should do their best to strengthen mutual cooperation, fulfill their obligations, conduct reasonable legal regulations on stateless people, and ensure that the basic rights of stateless people can be realized. Although dealing with the stateless phenomenon faces legal, practical and policy challenges, with the active cooperation and cooperation of various sovereign countries and the help and reasonable guidance of international and regional institutions.

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