Statelessness and its Impact on Reducing the Human Rights

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Abstract

Nationality gives the individuals the right to the full participation in the state; without nationality the individuals are deprived from the right of political participation, such as the right of candidature and vote. Statelessness also raises several issues, including the access to education, travel, as well as health care. Therefore, international efforts should be promoted in order to address the phenomenon of statelessness, where the states should take necessary measures ensuring that each individual enjoys the rights related to his/her nationality.

This study aimed at addressing the topic of statelessness and its impact on reducing the human rights. Throughout this study, we demonstrated the concept of statelessness, its reasons, cases, as well as the methods for preventing it and the impact of this phenomenon on the human rights.

The research was concluded by a number of results and recommendations.

Introduction

The responsibility related to granting or withdrawing nationality refers to the state. Each state has its broad discretion with regard to setting the criteria and bases for granting or withdrawing nationality in its local law, according to the terms that achieve its interests and agenda and correspond with its political and economic conditions. Therefore, states should take the necessary procedures, either individually or in cooperation with other States in order to ensure that each individual has a nationality. The International Declaration of Human Rights confirmed that everyone has the right to have a nationality; however, it didn't specify the exact nationality that each person has the right to enjoy. Consequently, the lack of clear and evident rules may lead to the case of statelessness.

The issue of stateless people is one of the contemporary issues within the international community, and is also one of the issues that attract the attention of official authorities, in terms of taking the necessary measures in order to address this issue on the one hand, as well as ensuring the minimum basic human rights for the statelessness so that they can integrate within the community in
which they live, and that the security of states and the stability of societies are not exposed to risk on the other hand.

The Study Problem

The study problem lies in the possibility of not giving the individual a certain nationality since his birth, or losing this nationality as a method of sanction when the authorized powers in the country deprive the citizen from maintaining his/her nationality by withdrawing that nationality due to that person's behaviors which could cause a serious risk against the important interests of the country, and which are specified within the law of nationality as well as the consequences of that in reducing the human rights.

The case of stateless individuals also raises the issue related to setting the law for the issues of personal conditions within the state which considers nationality as a control element for judgment in such cases.

The Study Objectives

This study aims at:
1. Demonstrating the concept and reasons for statelessness.
2. Demonstrating the cases of statelessness as well as the methods for avoiding that.
3. Illustrating the impact of statelessness on reducing the human rights via showing the rights of stateless individuals.

The Study Significance

The significance of this study lies in the following points:
1. The urgent need to identify statelessness cases in Jordan, especially at the current time, which witnessed a considerable increase in this phenomenon.
2. The significance of this study derives from the importance of studying the subject of the stateless individuals' rights, particularly in Jordan.
3. The lack of studies that addressed the subject of the stateless individuals' rights.

The Study was Divided as Follows

The First Topic: The Definition of Statelessness

The first requirement: the meaning of statelessness.
The second requirement: the reasons and cases of statelessness.
The second topic: The stateless individuals' rights and the methods of avoiding statelessness.
The first requirement: the stateless individuals' rights
The second requirement: the methods of avoiding statelessness.
The research's conclusion, which included the most important results and recommendations.

The First Topic

The Definition of Statelessness

The Jordanian legislator didn't address the issue of statelessness within the Jordanian nationality law, number (6) for the year 1954 as well as its amendments. The phenomenon of statelessness is a serious risk that threatens international societies, and thus it should be combated in order to eliminate and reduce its effects. Therefore, we should demonstrate the concept of statelessness in the first requirement of this topic, and then address the reasons and cases of statelessness within the second requirement, as follows:
The First Requirement: The Meaning of Statelessness

The United Nations' convention held in New York on the 28th of September, 1954, and actually applied on the 6th of June 1960, with regard to the international case of stateless people, included a legal definition of the stateless individual as "the person who is not considered as a national by any State under operation of its law".

This definition doesn't refer to the type of the nationality, the methods of granting nationality, or the means of gaining it, but it rather refers to the law actions under which the nationality legislation in a certain country define legally the individuals who have the rights to be citizens. Based on this definition, in order to consider the person as stateless, he/she should prove that there is no legal link between him/her and any other relevant state (the parliamentarians' guide, No. 11, for the year 2005, P.21).

Some researchers also addressed statelessness in jurisprudence terms, where some researcher defined it as "the legal status for the individual who doesn't enjoy the nationality of any country" (Salameh, 2008, p. 120).

Others defined the stateless person as the person who finds himself, since birthday or later, with no a nationality that relates him to any country, (Al-Halawani, 1960, P. 153).

The stateless person is also defined as "the person for whom there are no conditions related to acquiring any nationality in the whole world" (MAKAROV, P.357, referred to in Salameh, P.120).

The stateless person is also defined as "not having any nationality; that is, all the states deny that the person belongs to it, this is sometimes called the negative conflict". (Abu Talib, 1972, P.351).

We may conclude that statelessness refers to the individuals who don't enjoy the nationality of any state, either since they are born or later in their life when they lose the nationality of their state, without acquiring a new nationality. Additionally, the state where those stateless individuals live doesn't provide them and their families with the necessary protection.

Based on the above mentioned, statelessness represents a serious issue in the international communities for the individual and the country due to the important effects of nationality in terms of setting the rights that the individuals enjoy, the public obligations that they are committed to, assigning the personal law that governs the personal status as well as enjoying the protection inside and outside the state. (Al-Dawoudi, 2011, P.32).

The second requirement: the reasons and cases of statelessness.

In this section we will first address the reasons of statelessness, then we will address the cases of statelessness, as follows:

The first part: the reasons of statelessness:

The reasons of statelessness refer to several aspects, we will address them in several items as follows:

First: The differences in the legislations that regulate the matters related to nationality from one state to another, even though the rules of the law are similar across states (Salameh, P.122).

The difference in the foundations upon which countries depend with regard to granting their nationality may lead to the case of statelessness. An example of that would be the case of the child who is born to parents whose state considers the soil right, while the child is born in another country that adopts what is known as (jus sanguinis) as a foundation for granting its nationality. Therefore, the child is born as stateless, since he/she didn't acquire his/her parents' nationality due to (jus sanguinis), and at the same time didn't acquire the nationality of the region he was born in. (Sadeq, 2005 P.447, Khaleel, 2004, P.49)

Second: The lack of cohesion spirit among the different states, the dominance of national selfishness as well as the preference of each state for its own interests over the interests of other states, even if they contradict with those interests and with the respect for human rights. (Salameh, P.122)

This case is exemplified in the tendency of some states to withdraw nationality from its citizens if they worked in a foreign state, justifying it by assuming that such a work would cause harm to its economic interests. In this case, we can notice that losing nationality contradicts with the human
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freedom to work in any state in search for his living. If such contexts were applied, too many citizens would lose their nationalities.

Third: The contemporary international law was unable to set the limits, or restrictions against the state's authority with regard to regulating nationality rules; on the contrary, we can notice that it recognizes the freedom of each state in setting the limits related to its own policy in this domain based on its economic needs and population policy. Therefore, it is not surprising to see that jurisprudence assumes the phenomenon of statelessness to be the responsibility of the international law (E.Lsay, P.429, referred to in Salameh, p.123, Al-Qosaibi, 200, p.229).

In relation to jurisprudence, (Al-Dawoudi.2011, P.31) suggests that the freedom of each state to set its rules of nationality doesn't mean that the state should regulate these rules without taking the individuals' rights into consideration, where states usually do their best in order to follow the attitudes that are based on ideal human considerations that prevent the states from abusing the rights related to nationality affairs. We can find the assets of these ideal human considerations in the introduction of Hague Convention on nationality for the year 1930 which stated that "the public interest of the international group entails that its members had better accept the principle stating that each person should have a nationality, and only one nationality, and that the optimal status that humanity should seek in this field is cancelling all the cases of statelessness and dual nationality".

The Second Part: The Cases of Statelessness

In order to identify the cases of statelessness, we'd like to classify these cases into two categories (Salameh, p.123-124).

The first category: the cases of original or absolute absence (statelessness synchronous with birth)

This category includes all the individuals who haven't belonged to any nationality or state since they were born, due to the tendency of some states to confirm nationality only in terms of the right of blood (jus sanguinis), without considering the right of soil, or vice versa. If a person is born in a state that only considers the right of blood (jus sanguinis), and the father is stateless or with unknown nationality, then the child will be stateless on the one hand.

On the other hand, statelessness could take place as a result of the policy followed in a certain state towards some communities of individuals, in relation to their political beliefs or religious doctrines. For example, the case that was prevalent in some Germanic systems, prior to the First World War, such as Romania, where the state refused the transferring nationality to the children who belong to the Jewish race.

The second category: the cases of relative or late statelessness (statelessness following birth).

This category includes all the individuals who used to enjoy a certain nationality, either since birth or later, and then they lost it, without being able to acquire another nationality, and so they became stateless. This could be attributed to the fact that the person wants to change his/her nationality, but instead loses it without acquiring the nationality that he/she hopes to have. An example of that is naturalization, where the person may ask his state to give him the permission to naturalization; acquiring the nationality of a particular state. If such a case entails authorization releasing his original nationality, without relating such a release with the acquisition of the new desired nationality, he/she becomes stateless if he/she doesn't succeed in acquiring the desired nationality; this is on the one hand.

On the other hand, the person could be stateless according to the regulations of the public authorities. This is the case in most laws which entail withdrawing the nationality from some individuals in certain cases under the stated legislation, such as committing crimes that threaten the state's security either internally or externally, as well as entering into the military service of a foreign state without gaining the approval and permission from his original state (Lafi, 1990, p.122).
In this vein, we should demonstrate the cases of losing nationality in the Jordanian nationality law No. (6) for the year 1954 and its amendments, in cases other that the individual's will, as a means of sanction in the following items: (Dawoudi, 2011 p. 227-255).

First: Losing the Jordanian nationality by engaging in military service in a foreign state, based on material stated in the first section of article (18) of the current Jordanian Nationality Law, which states that: "If a person is engaged in military service in a foreign state without obtaining the approval or permission from the Council of Ministers and refused to leave that service under the request and authority of the government of the Hashemite Kingdom of Jordan, then he loses his nationality. According to this provision, nationality can be withdrawn under two conditions. The first, the Jordanian citizen accepted to enter the military service in the foreign state by his own choice. Therefore, nationality may not be withdrawn if the individual is forced to enter within the military service. Second, he didn't gain the approval and permission from the Council of Ministers in advance, since gaining the approval and permission from the authorized bodies denies the suspicion of insubordination that could be concluded from entering the military service in a foreign army. (Sadiq, 2005, p. 213-214)

Second: Losing the Jordanian nationality by engaging in the civil service in a foreign state, based on the information stated in section (A/2) of article (18) of the current Jordanian Nationality Law, which states that: "the Council of Ministers, with the approval of the king has the right to declare releasing the Jordanian nationality from any Jordanian citizen, if he/she entered the civil service and refused to leave that service under the request and authority of the government of the Hashemite Kingdom of Jordan. According to this provision, the Jordanian legislator has restricted the conditions under which nationality can be withdrawn or lost, including that the service could bring about risk to the national interest either directly or indirectly, or that the recruited person could be a professional in unique specialization that is needed in the Hashemite Kingdom of Jordan.

We can see that losing nationality contradicts with the human freedom to work in any state in search for his living. If such contexts were applied, too many citizens would lose their Jordanian nationalities. Therefore, we hope that the Jordanian legislator would restrict these types of work frankly, in addition to gaining the previous approval of the state before starting work outside his/her original state, either in an Arabic or foreign state.

Third: Losing the Jordanian nationality by engaging in the service in an enemy state, based on the material stated in section (B/2) of article (18) of the current Jordanian Nationality Law, which states that: "the Council of Ministers, with the approval of the king has the right to declare releasing the Jordanian nationality from any Jordanian citizen, if he/she joined the service of an enemy state ", since the nationality is considered as a tool for restricting the individual's position with regard to the state to which he/she belongs and should be committed to its rules, otherwise, he/she would be exposed to the stated sanctions. Based on this article (Al-Dawoudi, 2011, p.236), the conditions were restricted, whether the service was military or civil, inside or outside the Hashemite Kingdom of Jordan, in accordance with the legal rule stating that "the absolute rule remains unchanged unless there is a restricting evidence in context or significance". It is evident that the stated law didn't include any restriction for the absolute rule, either by context or significance.

Fourth: Losing the Jordanian nationality by committing or attempting to commit an action that constitutes a risk that threatens the country's safety and security. If an individual committed or attempted to commit a risky action that threatens the security of the Hashemite Kingdom of Jordan, this would represent insubordination as well as lack of belonging to the state (Abdul-Rahman, 1989, 223), and this is a direct reason for withdrawing the Jordanian nationality according to section (C/2) of article (18) of the current Jordanian Nationality Law, which states that: "the Council of Ministers, with the approval of the king has the right to declare releasing the Jordanian nationality from any Jordanian citizen, if he/she committed or attempted to commit a risky action that threatens the safety and security of the state". According to this article, the Jordanian legislator has restricted the conditions under which nationality can be withdrawn or lost. It is also noticed that the article didn't determine the nature
of illegal action that is considered as risky against the country's security; however, the legislator left that according to the Council of Ministers' discretion.

**Fifth:** Losing the Jordanian nationality by cancelling the document of naturalization granted to the naturalized if he/ she performed an action that is considered as risky and threatens the country's safety and security, based on the material stated in the first section of article (19) of the current Jordanian Nationality Law, which states that: "the Council of Ministers, with the approval of the king has the right to cancel any document of naturalization granted to any person if he/she committed or attempted to commit a risky action that threatens the safety and security of the state". We can notice that the context customizes those naturalized with the Jordanian nationality according to article (19) of the current Jordanian Nationality Law. This topic was addressed in the previous fourth part.

**Sixth:** Losing the Jordanian nationality due to granting it via false data, based on the material stated in the second section of article (19) of the current Jordanian Nationality Law, which states that: "the Council of Ministers, with the approval of the king has the right to cancel any document of naturalization granted to any person if there was a falsification in the data upon which he/ she was given the document of naturalization; consequently, that person loses the Jordanian nationality." We can notice that the context customizes those naturalized with the Jordanian nationality according to article (12) of the current Jordanian Nationality Law and asserts the necessity of proving the condition of falsified data upon which he/ she was given the document of naturalization, whether these data were written or verbal, or via other methods of cheating and fraud to gain the Jordanian nationality.

Based on the above mentioned data, we conclude that the cases that the Jordanian legislator mentioned with regard to losing the Jordanian nationality are signed by the Council of Ministers, after gaining the approval of the king, who has the discretion authority. Therefore, releasing the person from the Jordanian nationality, in this case, is related to a discretion authority, but not obligatory, except for the content of the first section of article (19) of the current Jordanian Nationality Law, where losing nationality in this case is obligatory.

### The Second Topic

The stateless individuals' rights and the methods of avoiding statelessness.

In this part we will first address the stateless individuals' rights, and then address the methods of avoiding statelessness, as follows:

**The first requirement: The stateless individuals' rights:**

The stateless individual doesn't have any legal regulation with the state in which he/ she lives; his/ her presence in that country entails the occurrence of local and international problems, since the state is committed to protecting the person who holds its nationality as well as giving him/ her the required rights. On his part, the person has several obligations and duties towards his country, including the civil and military service, and he also enjoys the residence on the state's territories.

Therefore, there are some basic human rights that apply to every one regardless his/ her status or accommodation inside the country; these are the rights related to the person and derive their origins from his/ her personality since they are so linked to him/ her (Al-Rawi, 1986, p.91). The united nations'

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1. article (12) of the current Jordanian Nationality Law No. (6) for the year (1954) and its amendments states that" any Jordanian Person that doesn't lack eligibility, and have the following conditions may apply for the council of ministers to grant him the naturalization document of the Jordanian nationality:

   **He/ she should prove his place of residence in the Hashemite kingdom of Jordan for 4 years before the date of applying for nationality.**

   **He/ she mustn't be sentences for any crime that relates to honor and ethics.**

   **He/ she should have the intention to live in Jordan.**

   **He/ she should know how to read and write using Arabic language.**

   **He/ she should have a good manners and reputation.**

   **He/ she should be healthy and not suffering from a disorder that makes him/ her fully dependent on society.**

   **He/ she should have a legal way for earning living, taking into consideration the necessity of not rival the Jordanian citizens in the professions that include too many Jordanians.**
convention held in New York on the 28th of September, 1954, and actually applied on the 6th of June 1960 could have paved the way in front of reforming the system of dealing with stateless people by asking the member states to allow the stateless people to gain their nationality (Salameh, p.133). In article number (32), the convention stated that "the member states should facilitate as much as possible, the process of naturalizing the stateless people via the most timely procedures, and to reduces the fees and expenses related to this procedure".

It is worth mentioning that the fourth chapter of the convention included several provisions related to the necessity of ensuring the minimum limit of treatment with the stateless people, including their right to have housing, public education, public aids, social insurance, freedom of travelling, as well as providing them with the identity documents and the documents needed for travelling abroad(Salameh, p.133).

Article (15) of the international declaration for human rights approved in 1948 stated that "each person has the right to have a certain nationality, and that no person should be obligatorily deprived from his/ her nationality of from his/ her right to change his/ her nationality".

The individuals recognized as stateless have certain rights, stated in the following items:

**First:** Accommodation on the state's territories as a means of tolerance, and a temporary case that doesn't ensure them security and stability and doesn't prevent the state from relegating them at any time, since the stateless person as considered as a stranger and doesn't enjoy any rights in the state, as opposed to the foreigner who has accommodation in the state in a legal way that makes him entitled to enjoy some rights. Despite that, and according to the rules of the convention with regard to the status of the stateless individuals approved in 1954, no state has the right to exclude the stateless individuals residing on its territories except for reasons related to national security or public system. However, the process of excluding or exiling the stateless person undergoes some procedural measures in order to allow him/ her to defend him/ her self and refute any accusation against him/ her.

**Second:** The right to practice some activities, such as the private vocations that don't require condition of nationality, such as shepherding, but they don't enjoy the advantages of nationalists, without coordination with the official authorities and based on their personal responsibility. This contradicts with the case of public jobs, where the employee must be Jordanian as illustrated in section (A) of the civil service system No. (82) for the year 2013 and its amendments, stating that "the person who is employed in any public job must be Jordanian".

**Third:** The stateless person doesn't enjoy the political rights of any country, such as the right to elect, enter military service since he doesn't hold the nationality of any state".

**Fourth:** The stateless person isn't obliged to pay the financial costs and duties, such as paying taxes and entering the military service as well as other public burdens that are obligatory for the nationalists.

**Fifth:** Preventing torture, since it is considered as one of the basic human rights that is applied to all the individuals regarding their nationality.

**Sixth:** Prohibiting racial discrimination among all individuals, as demonstrated in the first section of article (6) of the Jordanian Constitution and its amendments for the year (1952), which states that "all Jordanians are equal in front of law, regardless their rights and duties, even though they differ in race, language or religion." We think that the context relates only to the Jordanian people, who have the Jordanian nationality; however, the provisions of the international conventions with regard to eliminating all forms of discrimination in order to achieve equal rights before the law have not been restricted to those holding the nationality of a particular country, where article (26) of the International convention of civil and political rights confirms that by stating that : "all people are equal before law and , without any discrimination, enjoy equal rights of protection. In this regard, the law must prevent the occurrence of any discrimination and ensure that all the persons enjoy active protection against discrimination for any reason, such as race, color, gender, language, religion, political or non-political opinion, national or social origin, wealth or lineage, as well as other reasons " Therefore it is an international obligation that states shoulder as well as an internal obligation with regard to protecting all the individuals, whether as nationals, foreigners or stateless.
Seventh: Public education, the right of education is considered as a basic human right that is provided by the nationalists, foreigners and stateless as illustrated by article (22) in the convention approved in 1954 regarding the status of stateless individuals stating that: 1. The member states shall grant the stateless individuals the same treatment given to the nationals with respect of basic education, 2. The member states shall grant the stateless individuals the best possible treatment, provided that, it shouldn't be less than that granted to foreigners generally in similar circumstances with regard to the domains of non-primary education, especially in terms of pursuing study, recognizing the school certificates and documents granted abroad, as well as exempting them from fees and expenses, and granting the scholarships.

Eighth: The stateless enjoys the right of disputes relating to negative dispute of laws- given that he/she isn't considered as national in the laws of all the states, such as the disputes relating to personal status- with regard to the law of a certain country where the stateless resides, and this was indeed confirmed by New York convention in 1954, in terms of the international status of stateless people, stating that: "the personal status of the stateless person is governed by the law of his/her home town, and if not possible, the law of the state where he resides".

The Jordanian legislator also considered that in article (26) of the Jordanian civil law No. (43) for the year (1976), stating that "the court shall assign the law which would be applied in the case of the persons of unknown nationality or those have multiple nationalities at the same time, where they have the Jordanian nationality as well as the nationality of another foreign country; so in this case, the Jordanian law is the one that must be applied." in such cases, the judgment is left to the judge, who uses his discretion authority in order to issue the appropriate judgment based on the circumstances, and facts of the given case. Here, the judge should do his effort and use his discretion power in order to determine the law that should be applied to them. The common opinion in terms of jurisprudence, relates to adopting the realistic doctrine in recognizing the law applicable to stateless persons; that is, seeking for the real affiliation of stateless whenever it is impossible to determine his legal affiliation via nationality. The stateless home country or his country of residence could be the choice that the realistic approach leads to, where the law applicable to personal status disputes is the law of the home country of the stateless, and if it is impossible to be determined, then the law of the country of residence is the one which is applicable. (Salameh,134-138)

Ninth: The freedom of travel:

The freedom of travel is one of the basic human rights which was approved by the 1954 convention regarding the stateless persons, where article (26) stated that: "the contracting countries shall accord to stateless persons lawfully in its territory the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances."

Tenth: The right to practice religious rituals:

The Jordanian constitution approved this right under article (14) of it, stating that "the state ensures the freedom of practicing the religious rituals according to the customs adopted in the kingdom, provided that these rituals shouldn't distort the public system or contradict with ethics". As for the 1954 convention regarding the stateless persons, article (4) stated that: "the contracting states shall accord to stateless persons within their territories treatment at least as favorable as that accorded to their nationals with respect to freedom to practice their religion and freedom as regards the religious education of their children".

Based on the above, it is clear that the phenomenon of statelessness considerably affects human rights, where the stateless person loses a great deal of human rights compared with others who hold nationality, even though he is a foreigner to the state where he resides. According to the principles of international law, the states are obliged to ensure the minimum treatment for foreigners residing over its territory. When those foreigners can challenge those states based on the condition of reciprocity or equal treatment, contrary to that, the stateless individuals are deprived from doing so, as they are always in a lower status in comparison with the foreigners; therefore, they can't ask for enjoying the
minimum limit of treatment if they were deprived from their rights by the state in which they live, since having such a right is conditioned by the reciprocity or equal treatment, while the people have no state with which he may be able to negotiate the right of similar treatment (Salameh, P.133; Sadiq, 2005, P.450).

The Second Requirement
The methods of avoiding statelessness

Due to the loss experienced by the stateless people with regard to depriving them from the civil, political, and economic rights, states do their efforts in order to reduce statelessness. The laws of statelessness across the world are the main reasons leading to statelessness as a result of the different legal rules across states. Therefore, the legal rules applied in the different states play a significant role in eliminating the phenomenon of statelessness, where states cite the nationality rules and acknowledge the right of nationality for those who have an effective relationship with it. Here, we assert that states shouldn't adopt the authoritative pattern in terms of drawing nationality from its holders. The international efforts also play a remarkable role in eliminating the phenomenon of statelessness by holding the international accords that include the rules of regulating the matters of nationality in a manner that reduces or prevents statelessness. Based on the above, we may prevent the occurrence of statelessness by several methods that we will address in the two following parts.

The first part: the national legislative efforts to prevent statelessness

We may eliminate the phenomenon of statelessness by unifying the legal rules that regulate the matters of nationality in the different states of the world with regard to principles and details, particularly, controlling the bases of original nationality as well as the acquired one (Abdullah, 1965, p.241). Examples of that could be manifested by the coordination between the right of blood and the right of soil, and suspending the loss of nationality to acquiring another nationality, as well as reforming the system of losing nationality by withdrawing and dropping it. (Salameh, p. 125-131).

In application of that, some Arabic legislations, such as the Iraqi legislation intended not to withdraw nationality in any context; therefore the Iraqi nationality isn't withdrawn regardless the illegal activities that the national person does, and thus it cancels the case of nationality withdraw as a sanction against the national person in order not to be in the case of statelessness; therefore, the state retains its full sovereignty over him/her as a national and thus would have an effective control over him/her (AbdulAal, 2002, p. 748). Despite the importance of this procedure in reducing the statelessness, we see that it isn't favorable to withdraw nationality totally. Despite the negative consequences of withdrawing nationality in individuals, it is considered as an exceptional and preventive measure and a sanction for those who betray their state (Al-Bustani, 2003, P.297).

Some jurists suggest that the state shouldn't withdraw nationality except in the case in which the national is able to obtain another nationality and so avoids the case of statelessness.

The Jordanian legislation included a bright side with regard to reducing statelessness, and we will address these in the following clauses (Al-DAwoudi, 2011, P. 77-100).

First: The Jordanian legislator, in section (4) of the article (3) of the Jordanian nationality law stated that "any one who is born in the Hashemite Kingdom of Jordan for a Jordanian mother and a stateless father with unknown nationality, or has no legal status for linage to his father, shall be considered as Jordanian". This text demonstrates that the original Jordanian nationality is granted based on the right of blood of the Jordanian mother supported by the right of soil (the territory of the Hashemite Kingdom of Jordan). As such, the newly born in the Hashemite Kingdom of Jordan are granted the nationality of their Jordanian mother.

Second: Article (3) of the Jordanian nationality law states that: " any one who is born in the Hashemite Kingdom of Jordan for unknown parents shall be considered an Jordanian. The abandoned child is considered as born in the Kingdom unless proven otherwise." This text demonstrates that the original Jordanian nationality is granted based on the right of soil.
Here, we can see that the Jordanian legislator took into account the necessity of avoiding the case of statelessness, for humanitarian considerations related to dealing with a situation in which the new-born can enjoy the right of citizenship based on the right of blood or on the right of the soil due to the anonymity of parents. Consequently, they avoid the case of statelessness and feelings of inferiority in the community due to this exceptional treatment.

**Third:** Article (8) of the Jordanian nationality law states that "the Jordanian woman who got married to a non-Jordanian and obtained the nationality of her husband shall retain her Jordanian nationality except if she willingly abandoned it in accordance with the provisions of this law and is entitled to return back to her Jordanian nationality, provided that she applies or a request related to it if her marital relationship was terminated for any reason." This context demonstrates the necessity of protecting the Jordanian woman from being stateless or having dual nationalities at the same time, and even though her husband is stateless, she still retains her Jordanian nationality.

**Fourth:** Article (1(5) of the Jordanian nationality law states that: "every Jordanian may abandon his Jordanian nationality and acquire the nationality of a foreign state after obtaining the approval of the Council of Ministers." Therefore, they avoid being stateless in case he/she abandoned his/her nationality without obtaining the nationality of the foreign state. In accordance with the decision issued by the royal bureau with regard to interpreting the law No. (17) for the year (1957), which stated that the Jordanian who acquired Jordanian nationality by means of naturalization shall not lose it by merely abandoning it, but rather he/she shall have the new nationality after abandoning his Jordanian nationality. If this naturalization is not carried out, he shall retain his Jordanian nationality without the need to be granted a new naturalization document. (Issue. 1346 of the official newspaper issued on 1/9/1957, p. 819).

**Fifth:** Article (16) of the Jordanian nationality law states that: "every Jordanian may abandon his/her Jordanian nationality and acquire the nationality of any Arab State."

**Sixth:** Article (17) of the Jordanian nationality law states that: "the Jordanian who has acquired the nationality of a foreign State shall retain his Jordanian nationality unless he abandons it in accordance with the provisions of this law." in this case he/she sends a written request to the Minister of the Interior in accordance with a special form prepared for this purpose and for the approval of the Council of Ministers.

**Seventh:** section (A) of article (10), of Trans-Jordan nationality law No. (113) for the year (1928) states that "the wife of a Jordanian shall be considered Jordanian and the wife of a foreigner shall be considered as a foreigner. However, the woman who acquired the Jordanian nationality by marriage may abandon her Jordanian nationality within two years from the date of her husband's death or repealing her marriage contract with him by a statement that is introduced as stated in this law, and thus she lose her Jordanian nationality." After reviewing the current Jordanian nationality law, we noticed that the Jordanian legislator did not address such a provision, which is considered as a legislative deficiency, so we hope the competent authorities will address this deficiency in the future.

We notice that the context of article (10), of the Jordanian nationality law No. (6) for the year (1954) and its amendments allows for referring to Trans-Jordan nationality law stating that "this law cancels any Ottoman, Palestinian or Jordanian legislation that precedes publishing this law in the newspaper as long as its provisions contradict with the current law".

**The second part: the international efforts to prevent statelessness**

These efforts are manifested by the international cooperation as well as holding conventions. The 1961 convention related to reducing the cases of statelessness included measures for avoiding statelessness among children (the article 1-4) of this convention. It also included measures for avoiding statelessness due to losing nationality or abandoning it (articles 5-7) of this convention. This convention also stated a number of measures for avoiding statelessness due to deprivation of nationality (articles 8-9). Finally, article (10) of the convention stated the specific measures for avoiding statelessness in the context of successive states.
Based on the above mentioned, that the objective of this convention lies in avoiding statelessness at birth time. However, it doesn't prevent the possibility of withdrawing nationality in the light of some conditions, and doesn't grant the stateless individuals the right of citizenship in a reverse effect.

This convention isn't the only one in the domain of reducing the cases of statelessness, but there are many other international legal documents, such as:

1. The convention of the child's rights, which asserts the right of every child to acquire citizenship (article / 7 of the Convention on the Rights of the Child, 1989).
2. The Convention on eliminating all the forms of discrimination against women, which calls for equality between men and women with respect to the acquiring, changing and maintaining nationality as well as granting citizenship to their children (article (9) of the convention on elimination all forms of discrimination against women, 1979).

As for the level of the Arab countries, the council of the Arab states held on 23rd of September, 1952, approved a convention related to assigning a nationality for those who belong in their origin to one of the members states in the Arab states university, and they actually reside in one of the Arab states, other that the one to which they originally belong, provided that they haven't acquired any nationality yet in order to save them from the case of statelessness. The 1st article stated that " each person that belongs in his/ her origin to one of the Arab states university countries, didn't acquire any nationality yet, and didn't apply for acquiring the nationality of his/her original state during the specified period in accordance with the convention and treaties, is considered as one of the nationals of his/ her original state. This doesn't affect his right in residing in the state that he usually lives in, in accordance with the applied systems, or his right to acquire the nationality of this state according to required conditions; if he/ she acquires the nationality of the state where he resides, the nationality of his original state is withdrawn".

Based on the above, we conclude that the various international legislations, treaties and conventions are taking further measures which aimed at reducing the phenomenon of statelessness as well as reaching a fair solution and ending this international issue. Until the problem of statelessness is eliminated, there should be a protection to those who are recognized as stateless. Joining the 1954 Convention relating to the Status of Refugees as well as implementing it and approving the procedural legislations would ensure the respect for the rights and obligations of stateless individuals. This convention does not change the nationality of the individual and doesn't force the states to allow the stateless persons other than refugees to enter their territory. Applying the provisions of the 1954 convention is not a substitute for granting nationality. States, whenever possible, shall facilitate the process of accommodating and naturalizing the stateless persons residing over their territory via the legislations and practices of nationality. This solution is known as the local integration (nationality and statelessness, the parliamentary guide No. (11) for the year (2005), p. 32-33).

Conclusion
After we have completed the study of statelessness and its impact on reducing the human rights, we concluded the following results and recommendations:

1. The Jordanian legislator did not address the rights of stateless persons in terms of legal regulation, but adopted a number of measures in order to limit the case of statelessness, due to its serious impact on the international community for the individual and the state as well.
2. The stateless person does not enjoy the nationality of any country; and consequently, is not protected by any state.
3. The case of statelessness does not guarantee the individual the rights that he/ she shall enjoy as opposed to other individuals, and thus he enjoys a lower position as opposed to or foreigner residing on the territories of the state.
4. The state enjoys a wide discretion with regard to developing the legal rules in terms of granting or losing nationality in accordance with its local law and no other state has authority to force it to do so.

5. The main reason for the phenomenon of statelessness relates to the differences between countries and their variation in setting the foundations and criteria for acquiring or losing nationality.

6. The international efforts combined in order to address the phenomenon of statelessness and integrate the stateless person within the national society. However, these efforts are still ineffective and insufficient to eliminate this serious phenomenon.

**Recommendations**

1. Achieving the unified principles that states would adopt when setting their legal rules relating to nationality, and reduce the restrictions on the discretionary power of the State with respect to acquiring or losing nationality, and consequently limiting the phenomenon of statelessness.

2. Increasing the cooperation between states in order to get to practical solutions for the phenomenon of statelessness, by adopting the ideal principles and basic rules that contribute to avoiding statelessness as well as reducing its consequences.

3. The necessity of creating harmony and consistency between the local legislation relating to nationality and the international conventions signed by the state in this field in addition to respecting its obligations at the international level.

4. The Jordanian legislator shall do more efforts to create a special legal system for stateless individuals which includes the minimum rights that the stateless individuals should enjoy.

5. The Jordanian legislators should take more preventive internal measures in order to avoid the phenomenon of statelessness, such as not to be so firm in issuing the penalty of withdrawing nationality in order not lose it.

**Resources and References**

**First: The Books**

[1] Salameh, Ahmad Abdul-Karim, The Private International Law, Nationality and Homeland and the Treatment of Foreigners as well as the International Conflict of International Civil Law and Censorship, Al-Nahda Al-Arabiya House for publication, Cairo, Egypt, there is no publication year, 1st Edition.


Second: Laws


Third, The International Conventions


Fourth: The Scientific Periodicals

[1] Nationality and Statelessness, the Parliamentarians' Guide No. (11) for the year 2005, the United Nations High Commissioner for Refugees, the International Parliamentary Union.