Nationality in International Human Rights Law

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From “Traditional” to “New” Migration

Nationality is no longer entirely within states’ exclusive domestic jurisdiction. But where are the limits of states’ discretion with regard to the regulation of access to and loss of nationality? The project tries to identify the obligations imposed on nation states in nationality matters by international law by asking:

- Which human rights guarantees do states have to respect when regulating the acquisition and the loss of citizenship?
- What is the scope and content of the right to a nationality?
- Are there tendencies towards the emergence of an individual right to the citizenship of a particular state, based on a genuine connection with that state (ius nexi)?

Research Questions

The project applies standard legal research methods, including:
- Interpretation of relevant international instruments, national legislation and soft law
- Review of jurisprudence of international courts and treaty bodies
- Review of secondary literature
- Consideration of relevant non-legal approaches to citizenship, in particular in political theory

Acquisition of Nationality by Naturalization

European States that grant nationality to non-citizens upon the fulfillment of certain criteria:

- As a legal entitlement
- On a discretionary basis

Article 15 UDHR
1. Everyone has the right to a nationality
2. No one shall be arbitrarily deprived of his nationality or denied the right to change his nationality

The project aims at analyzing the impact of the international on the national level and illustrating the consequences for the protection of rights of individuals. It is situated within the broader debate on how state sovereignty is limited by international law and how regulatory powers move away from the nation state to other levels of governance.