

**United Nations Conference on the Elimination or Reduction of Future
Statelessness**

Geneva, 1959 and New York, 1961

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**Text of articles adopted by the Committee of the Whole and revised by the Drafting
Committee**

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UNITED NATIONS CONFERENCE ON THE ELIMINATION
OR REDUCTION OF FUTURE STATELESSNESS

Text of articles adopted by the Committee of the Whole and revised by the
Drafting Committee

(Articles 1, 2, 3, 4, 5, 7, 10, 12, 15)

Article 1

1. A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless. Such nationality shall be granted:

- (a) at birth, by operation of law, or
- (b) upon an application being lodged with the appropriate authority, by or on behalf of the person concerned, in the manner prescribed by the national law. Subject to the provisions of paragraph 2 of this Article, no such application may be rejected.

A Contracting State which grants its nationality in accordance with sub-paragraph (b) of this paragraph may also grant its nationality by operation of law at such age and subject to such conditions as may be prescribed by the national law.

2. A Contracting State may make the grant of its nationality in accordance with sub-paragraph (b) of paragraph 1 of this article subject to one or more of the following conditions:

- (a) that the application is lodged during a period, fixed by the Contracting State, beginning not later than at the age of eighteen years and ending not earlier than at the age of twenty-one years, so, however, that the person concerned shall be allowed at least one year during which he may himself make the application without having to obtain legal authorization to do so;
- (b) that the person concerned has habitually resided in the territory of the Contracting State for such period as may be fixed by that State, not exceeding five years immediately preceding the lodging of the application nor ten years in all.

3. A Contracting State shall grant its nationality to a person who would otherwise be stateless and who is unable to acquire the nationality of the Contracting State in whose territory he was born because he has passed the age for lodging his application or has not fulfilled the required residence conditions, if the nationality of one of his parents at the time of the person's birth was that of the Contracting State first above mentioned. If his parents did not possess the same nationality at the time of his birth, the question whether the nationality of the person concerned should follow that of the father or that of the mother shall be determined by the national law of such Contracting State. If application for such nationality is required, the application shall be made to the appropriate authority by or on behalf of the applicant in the manner prescribed by the national law. Subject to the provisions of paragraph 4 of this Article, such application shall not be refused.

4. The Contracting State may make the grant of its nationality in accordance with the provisions of paragraph 3 of this Article subject to one or both of the following conditions:

- (a) that the application is lodged before the applicant reaches an age, being not less than twenty-three years, fixed by the Contracting State;
- (b) that the applicant has habitually resided in the territory of the Contracting State for such period immediately preceding the lodging of the application, not exceeding three years, as may be fixed by that State.

Article 2

A foundling found in the territory of a Contracting State shall, in the absence of proof to the contrary, be considered a national of that State.

Article 3

For the purpose of this Convention,

- (a) birth on a ship flying the flag of a Contracting State,
- or

(b) birth in an aircraft registered in a Contracting State, shall be deemed to have taken place in the territory of that State.

Article 4

1. A Contracting State shall grant its nationality to a person, not born in the territory of a Contracting State, who would otherwise be stateless, if the nationality of one of his parents at the time of the person's birth was that of

that State. If his parents did not possess the same nationality at the time of his birth, the question whether the nationality of the person concerned should follow that of the father or that of the mother shall be determined by the national law of such Contracting State. Nationality granted in accordance with the provisions of this paragraph shall be granted:

- (a) at birth, by operation of law, or
- (b) upon an application being lodged with the appropriate authority, by or on behalf of the person concerned, in the manner prescribed by the national law. Subject to the provisions of paragraph 2 of this Article, no such application may be rejected.

2. A Contracting State may make the grant of its nationality in accordance with the provisions of paragraph 1 of this Article subject to one or both of the following conditions:

- (a) that the application is lodged before the applicant reaches an age, being not less than twenty-three years, fixed by the Contracting State;
- (b) that the applicant has habitually resided in the territory of the Contracting State for such period immediately preceding the lodging of the application, not exceeding three years, as may be fixed by that State.

Article 5

If the law of a Contracting State entails loss of nationality as a consequence of any change in the personal status of a person such as marriage, termination of marriage, legitimation, recognition or adoption, such loss shall be conditional upon possession or acquisition of another nationality.

Article 7

1. Renunciation, if permitted by the law of a Contracting State, shall not result in loss of nationality unless the person renouncing it possesses or acquires another nationality.
2. A national of a Contracting State who seeks naturalization in a foreign country shall not lose his nationality unless he acquires or is assured of acquiring the nationality of that foreign country.
3. Subject to the provisions of paragraphs 4 and 5 of this Article, a national of a Contracting State shall not lose his nationality, so as to become stateless, on the ground of departure, residence abroad, failure to register or on any similar ground.

4. A naturalized person may lose his nationality on account of residence abroad for a period, not less than seven consecutive years, specified by the law of the Contracting State concerned if he fails to declare to the appropriate authority his intention to retain his nationality.

5. In the case of a national of a Contracting State, born outside its territory, who has never resided therein, the law of that State may make the retention of its nationality after the expiry of one year from his attaining his majority, conditional upon registration.

Article 10

1. Every treaty between Contracting States providing for the transfer of a territory shall include provisions designed to secure that no person shall become stateless as a result of the transfer. A Contracting State shall use its best endeavours to secure that any such treaty made by it with a State which is not a party to this Convention includes such provisions.

2. In the absence of such provisions a Contracting State to which territory is transferred or which otherwise acquires territory shall confer its nationality on such persons as would otherwise become stateless as a result of the transfer or acquisition.

Article 12

1. This Convention shall be opened for signature at Geneva on 17 April 1959 and shall thereafter be deposited with the Secretary-General of the United Nations. It shall be open for signature at the European Office of the United Nations from 17 April to 30 June 1959 and shall be re-opened for signature at the Headquarters of the United Nations from 3 August 1959 to 31 December 1960.

2. It shall be open for signature on behalf of:

- (a) Any State Member of the United Nations;
- (b) Any other State invited to attend the United Nations Conference on Elimination or Reduction of Future Statelessness;
- (c) Any State to which an invitation to sign or to accede may be addressed by the General Assembly of the United Nations.

3. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 15

Any Contracting State may denounce this Convention at any time by a written notification addressed to the Secretary-General of the United Nations. Such denunciation shall take effect for the said Party one year after the date of its receipt by the Secretary-General.

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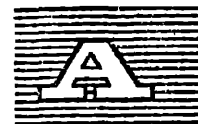
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UNITED NATIONS CONFERENCE ON THE ELIMINATION
OR REDUCTION OF FUTURE STATELESSNESS

Text of articles adopted by the Committee of the Whole
and revised by the Drafting Committee

(Article 14 and new article)

Article 14

1. The present Convention shall enter into force two years after the date of the deposit of the sixth instrument of ratification or accession.
2. For each State ratifying or acceding to this Convention after the deposit of the sixth instrument of ratification or accession, it shall enter into force on the ninetieth day after the deposit by such State of its instrument of ratification or accession or on the date on which this Convention enters into force in accordance with the provisions of paragraph 1 of this article, whichever is the later.

New article

1. A Contracting State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.
2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.
3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the governments of such territories.

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Text of articles adopted by the Committee of the Whole and revised by the
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(Articles 6, 9 and new article)

Article 6

If the law of a Contracting State provides for loss of its nationality by a person's spouse or children as a consequence of the loss of that nationality by that person, such loss shall be conditional upon their possession or acquisition of another nationality.

Article 9

A Party may not deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds.

New article

This Convention shall not be construed as affecting any provisions more favourable to the reduction of statelessness which may be contained in the laws of any Contracting State now or hereafter in force, or may be contained in any other convention, treaty or agreement now or hereafter in force between two or more Contracting States.

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UNITED NATIONS CONFERENCE ON THE ELIMINATION
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Text of article 8 adopted by the Committee of the Whole and revised by the
Drafting Committee

Article 8

(1) A Contracting State shall not deprive a person of its nationality if such deprivation would render him stateless.

(2) At the time of signature, ratification or accession, a Contracting State may make a reservation to paragraph (1) of this article reserving to itself the right to deprive a person of its nationality, notwithstanding that he would thereby be rendered stateless, on such of the following grounds as may be specified at the time of signature, ratification or accession:

(a) in the case of a natural born national, on the ground of:

(i) having voluntarily entered or continued in the service of a foreign country in disregard of an express prohibition by the Contracting State, or

(ii) having taken an oath or made a declaration of allegiance to a foreign country;

(b) in the case of a national other than a natural born national, on the ground of:

(i) false representation or fraud for the purpose of obtaining the Contracting State's nationality, provided that deprivation proceedings are brought within five years of the acquisition of that nationality, or

(ii) having been convicted of a treasonable or disloyal act or, in the case of a person accused of such an act who is in a foreign country, failing to return for trial, or

(iii) having taken an oath, or made a declaration of allegiance to a foreign country, or

(iv) having voluntarily entered or continued in the service of a foreign country in disregard of an express prohibition by the Contracting State, or

(v) residence abroad for a consecutive period, being not less than seven years, specified by the law of the Contracting State concerned, if he has failed to declare to the appropriate authority his intention to retain his nationality or he has no effective connection with that State.

(3) Where a Contracting State has made such a reservation as is mentioned in paragraph 2 of this article, a national of that State shall not be deprived of his nationality except in accordance with procedure established by law, which shall provide for submission of the case to a completely independent and impartial body.

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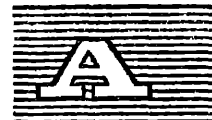
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UNITED NATIONS CONFERENCE ON THE ELIMINATION
OR REDUCTION OF FUTURE STATELESSNESS

Texts of articles adopted by the Committee of the Whole and revised by the
Drafting Committee (Article 11 and two new articles)

Article 11

The Contracting States shall promote the establishment within the framework of the United Nations, as soon as may be after the deposit of the sixth instrument of ratification or accession, of a body to which a person claiming the benefit of this Convention may apply for the examination of his claim and for assistance in presenting it to the appropriate authority.

New Article

Any dispute between Contracting States concerning the interpretation or application of this Convention which cannot be settled by other means shall be submitted to the International Court of Justice at the request of any one of the parties to the dispute.

New Article

1. In relation to a Contracting State which does not, in accordance with the provisions of article 1 or of article 4 of this Convention, grant its nationality at birth by operation of law, the provisions of paragraph 1 of article 1 or of article 4, as the case may be, shall apply to persons born before as well as to persons born after the entry into force of this Convention.
2. The provisions of paragraph 3 of article 1 of this Convention shall apply to persons born before as well as to persons born after its entry into force.
3. The provisions of article 2 of this Convention shall apply only to foundlings found in the territory of a Contracting State after the entry into force of the Convention for that State.

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UNITED NATIONS CONFERENCE ON THE ELIMINATION
OR REDUCTION OF FUTURE STATELESSNESS

Texts adopted by the Committee of the Whole and revised by the
Drafting Committee

PREAMBLE

The Contracting States,

Acting in pursuance of resolution 896 (IX), adopted by the General
Assembly of the United Nations on 4 December 1954,

Considering it desirable to reduce statelessness by international
agreement,

Have signed as follows:

FINAL PROVISION

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this
Convention on behalf of their respective Governments.

DONE at, this
day of, one thousand nine hundred and fifty-
....., in a single copy, of which the texts
are equally authoritative and which shall remain deposited in the archives
of the United Nations, and certified copies of which shall be delivered,
by the Secretary-General of the United Nations, to all Members of the
United Nations and to the non-member States referred to in article 19.

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are equally authoritative and which shall remain deposited in the archives
of the United Nations, and certified copies of which shall be delivered,
by the Secretary-General of the United Nations, to all Members of the
United Nations and to the non-member States referred to in article 12.

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UNITED NATIONS CONFERENCE ON THE ELIMINATION
OR REDUCTION OF FUTURE STATELESSNESS

FINAL ACT OF THE CONFERENCE

Proposed by the Drafting Committee and including
Resolutions adopted by the Committee of the Whole and as
revised by the Drafting Committee

I

1. The General Assembly of the United Nations, by Resolution 896(IX) of 4 December 1954, expressed a desire that an international conference of plenipotentiaries be convened to conclude a Convention for the Reduction or Elimination of Future Statelessness as soon as at least 20 States had communicated to the Secretary-General their willingness to co-operate in such a conference. The General Assembly requested the Secretary-General to fix the exact time and place for the conference when that condition had been met. The General Assembly noted that the International Law Commission had submitted to it revised drafts of a Convention on the Elimination of Future Statelessness and a Convention on the Reduction of Future Statelessness in the Report of the International Law Commission covering its Sixth Session in 1954. The General Assembly requested the governments of States invited to participate in the conference to give early consideration to the merits of a multilateral Convention on the Elimination or Reduction of Future Statelessness.
2. Upon the fulfilment of the condition envisaged in the Resolution of the General Assembly, the Secretary-General decided to convene the United Nations Conference on the Elimination or Reduction of Future Statelessness at the European Office of the United Nations at Geneva from 24 March to 17 April 1959; the Conference accordingly met at the European Office of the United Nations between those dates.
3. The governments of the following 35 States were represented at the Conference: Argentina, Austria, Belgium, Brazil, Canada, Ceylon, Chile, China, Denmark, Dominican Republic, Federal Republic of Germany, France, Holy See, India, Indonesia, Iraq, Israel, Italy, Japan, Liechtenstein, Luxembourg, Netherlands, Norway, Pakistan, Panama, Peru, Portugal, Spain, Sweden, Switzerland, Turkey, United Arab Republic, United Kingdom, United States, Yugoslavia.

4. The following governments were represented by observers at the Conference: Finland, Greece.

5. The following intergovernmental organizations were represented by observers at the Conference:

Council of Europe

Intergovernmental Committee for European Migration

International Institute for the Unification of Private Law

League of Arab States

6. The Office of the High Commissioner for Refugees was also represented by an observer at the Conference.

7. The following non-governmental organizations attended the Conference, with the right to submit written or oral statements to the Conference on subjects for which these organizations had a special competence:

Agudas Israëli World Organization

American Joint Distribution Committee

Commission of the Churches on International Affairs, The

Consultative Council of Jewish Organizations

Co-ordinating Board of Jewish Organizations

International Bar Association

International Catholic Migration Commission

International Commission of Jurists

International Committee of the Red Cross

International Federation of Business and Professional Women

International Federation of Christian Trade Unions

International Relief Committee for Intellectual Workers

International Social Service

Nouvelles Equipes Internationales

Open Door International (for the Economic Emancipation of the Woman Worker)

Pax Romana

St. Joan's International Social and Political Alliance

Women's International League for Peace and Freedom

World Alliance of Young Men's Christian Associations

World Federation of United Nations Associations

World Jewish Congress

8. The Conference elected Mr. Knud Larsen (Denmark) as President.

9. The Conference elected as Vice-Presidents Mr. Ichiro Kawasaki (Japan) and Mr. Humberto Calamari (Panama).

10. The following Committees were set up:

Committee of the Whole

Chairman: The President of the Conference
Vice-Chairmen: Mr. Ichiro Kawasaki (Japan)
Mr. Humberto Calamari (Panama)

Drafting Committee

Chairman: Mr. Humberto Calamari (Panama)

11. The Secretary-General of the United Nations was represented by Dr. Yuen-li Lian, Director of the Codification Division of the Office of Legal Affairs of the United Nations who was also appointed Executive Secretary of the Conference.

12. The Conference decided unanimously to take as the basis for its work the draft Convention on the Reduction of Future Statelessness, prepared by the International Law Commission. The articles of this draft Convention were examined, together with the amendments thereto, in the Committee of the Whole established by the Conference at its Seventh Plenary Meeting. The Conference in Plenary Meeting re-examined the articles as adopted by the Committee of the Whole.

13. The Drafting Committee of the Conference, composed of the representatives of Argentina, Belgium, France, Israel, Panama and the United Kingdom, reviewed from the standpoint of drafting the articles as adopted by the Committee of the Whole and, subsequently, as adopted by the Conference in Plenary Meeting.

14. The Conference adopted on ... April 1959, by ... votes to ... with ... abstentions, the Convention on the Reduction of Statelessness, which was opened for signature at the European Office of the United Nations from ... April to 30 June 1959 and shall be re-opened for signature at the Headquarters of the United Nations from 3 August 1959 to 31 December 1960.

II

The Conference adopted the following recommendation by ... votes to ... with ... abstentions:

"The Conference

Recommends that persons who, not enjoying the protection of a government, are stateless de facto should as far as possible be treated as stateless de jure to enable them to acquire an effective nationality."

III

The Conference adopted the following resolution by ... votes to ... with ... abstentions:

"The Conference

Agrees that for the purposes of the Convention the terms "naturalization" and "naturalized person" shall be interpreted as referring respectively only to the acquisition of nationality and to a person who has acquired nationality upon an application which the Contracting State concerned may, in its discretion, refuse; acquisition upon an application which could not have been so refused shall not be considered as naturalization, even though the Contracting State concerned in such cases adopts the procedure of naturalization.

IN WITNESS WHEREOF the President, Vice-Presidents and the Executive Secretary of the Conference have signed this Final Act

DONE at Geneva this day of April one thousand nine hundred and fifty-nine in a single copy of which the Chinese, English, French and Spanish texts are equally authentic and which shall remain deposited in the archives of the United Nations, and certified true copies of which shall be delivered to all Members of the United Nations and all non-Member States invited to the Conference.

The President of the Conference:

The Vice-Presidents of the Conference:

The Executive Secretary of the Conference: