

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

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Summary Records, 20th meeting of the Committee of the Whole

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UNITED NATIONS CONFERENCE ON THE
ELIMINATION OR REDUCTION OF FUTURE STATELESSNESS

COMMITTEE OF THE WHOLE

SUMMARY RECORD OF THE TWENTIETH MEETING

held at the Palais des Nations, Geneva,
on Wednesday, 15 April 1959, at 10 a.m.

Chairman: Mr. LARSEN (Denmark)
Secretary: Mr. LIANG, Executive Secretary of the
Conference

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A list of government representatives and observers and of representatives of specialized agencies and of intergovernmental and non-governmental organizations attending the Conference was issued as document A/CONF.9/9.

A list of documents pertaining to the Conference was issued as document A/CONF.9/L.79.

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(3 p.)

EXAMINATION OF THE QUESTION OF THE EXTERMINATION OR REDUCTION OF FUTURE STATELESSNESS
(item 7 of the agenda) (continued)

Draft convention on the reduction of future statelessness (A/CONF.9/L.1) (continued)

Draft resolutions for inclusion in the Final Act of the Conference (continued)

Denmark: draft resolution (A/CONF.9/L.52) (continued)

The CHAIRMAN put to the vote the Danish draft resolution.

The Danish draft resolution was approved by 12 votes to 5, with 10 abstentions.

In reply to a question by Mr. JAY (Canada), the CHAIRMAN said that the Drafting Committee would consider the text approved and any suggestions for drafting improvements.

Article 13, paragraph 2 (A/CONF.9/L.51) (resumed from the nineteenth meeting)

Mr. SMALL (Brazil) said that under article 8 as approved at the seventeenth meeting, States could choose from the list contained therein the grounds for deprivation of nationality which they wished to apply. They would be better described as options than as reservations, since they were similar to the conditions set out in article 1, paragraph 2. He hoped that the Drafting Committee would examine the possibility of giving to the grounds in article 8 the character of options, for it would weaken the convention to admit reservations to its substantive articles.

Reservations, should, however, be admissible to the article relating to the International Court of Justice since the substance of the convention would not be affected thereby. Brazil would probably not wish to avail itself of the possibility of making such a reservation, but some countries would find it easier to ratify the convention if that possibility were allowed.

Mr. LEVI (Yugoslavia), supported by Mr. BACCHETTI (Italy), Mr. SIVAN (Israel) and Mr. TSAO (China), proposed that further discussion of article 13 be deferred until the plenary meetings resumed.

It was so agreed.

The CHAIRMAN suggested that, in order to provide two opportunities for discussion of article 13, it should be considered again at a resumed meeting of the Committee, after a final decision had been reached in the plenary meeting on articles 1 to 12, that the agreed text should be referred to the Drafting Committee for revision, and that the text as revised should be finally considered in plenary.

The Chairman's suggestion was adopted.

Draft protocol submitted by Denmark on the establishment of a tribunal relating to the convention on the reduction of statelessness (A/CONF.9/L.37)

The CHAIRMAN recalled that the Committee had agreed to the establishment of the agency mentioned in the International Law Commission's draft of article 11 (A/CONF.9/L.1) but had rejected the establishment of a tribunal.

Speaking as the representative of Denmark, he drew attention to document A/CONF.9/L.37 and announced the following changes in the text to make it apply to a tribunal only: in article 1, paragraph 1 should be deleted and the words "Parties to the Convention on the Reduction of Statelessness, hereinafter referred to as the Convention", should be inserted after the word "States" at the beginning of paragraph 2; the words "in paragraph 1" should be deleted and replaced by the words "in article 11 of the Convention"; in the second line of paragraph 3 the words "and 2", and in the last line of that paragraph the words "agency or" should be deleted; paragraph 4 should be deleted; the paragraphs in article 1 should be renumbered; article 2 should be deleted; articles 3 and 4 should be renumbered 2 and 3 respectively; section b) of the renumbered article 3, and the words "of the agency and" in section d) of the renumbered article 3 should be deleted; at the end of the draft the usual formal provisions should be added.

The Danish draft protocol, as amended by the above changes, was rejected by 8 votes to 5, with 18 abstentions.

The CHAIRMAN, speaking as representative of Denmark, expressed the opinion that States which were willing to submit to the jurisdiction of a tribunal should be given the right to do so. He would therefore reintroduce the draft protocol in plenary meeting.

Mr. JAY (Canada) explained that he had voted against the Danish draft because he did not consider that United Nations funds should be spent on the establishment of complicated machinery which would be used by only a small number of States.

The meeting rose at 10.50 a.m.