

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

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UNITED NATIONS CONFERENCE ON THE ELIMINATION OR
REDUCTION OF FUTURE STATELESSNESS

SUMMARY RECORD OF THE TWENTY-FIFTH PLENARY MEETING

Held at Headquarters, New York,
on Monday, 28 August 1961, at 10.50 a.m.

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President:

Mr. RIPHAGEN Netherlands

Secretariat:

Mr. STAVROPOULOS Legal Counsel, Representative
of the Secretary-General

Mr. LIANG Executive Secretary of the
Conference

REPORT ON CREDENTIALS MADE BY THE PRESIDENT AND THE VICE-PRESIDENTS (A/CONF.9/L.94)

Mr. WIRJOPRANOTO (Indonesia) said that, on instructions from his Government, his delegation was not prepared to accept the credentials produced by the delegation of China and Formosa, because his Government recognized the Government of the People's Republic of China in Peking as the only representative of China.

Mr. SAFWAT (United Arab Republic) and Mr. ILIC (Yugoslavia) raised similar objections concerning the credentials of China.

Mr. YINGLING (United States of America) said that the question had been decided when the invitations had been issued; it was the representative of the Government of the Republic of China who had been seated at the Conference. So far as his Government was concerned that was the lawful Government of China.

Mr. MALALASEKERA (Ceylon), while accepting the report on credentials, stated that he wished to reserve his Government's position concerning the credentials of the representatives of China.

Mr. TSAO (China) regretted that certain observations had been made concerning his delegation's status at the Conference. The Government which he had the honour to represent was the only legitimate Government of China and was so regarded by the United Nations. It represented China as a whole at all international conferences. The communist régime of Peiping was the creation of a foreign Power and had been imposed on the Chinese people against the latter's will. The present Conference had been convened by the United Nations; the opinions expressed by any particular delegation had no effect on the legal status of his own delegation which was participating in the Conference. His delegation regarded such observations as politically unsound and not legally binding.

Mr. HARVEY (United Kingdom) said that his delegation had approved the report solely on the basis that the credentials, considered as documents, were in order. That approval did not necessarily imply recognition of each authority by whom the credentials were issued.

The report was adopted, subject to the observations made.

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ADOPTION OF CONVENTION (A/CONF.9/L.92)

The PRESIDENT put the Convention as a whole to the vote.

The Convention was adopted by 21 votes to none, with 7 abstentions.

Mr. HUBERT (France) said that an unfailing spirit of understanding and compromise had enabled the Conference to reach reasonable conclusions and to adopt wise and well-balanced solutions for the complex and delicate problems before it. His delegation had been glad to contribute to the success of the Conference's work. As it had indicated in 1959, the French delegation did not agree entirely with some features of the provisions which had been accepted at the previous session. Nevertheless it considered that the text adopted was on the whole such as to permit of clear, if limited, progress towards the objective of eliminating statelessness. Hence, while reserving its Government's decision concerning signature of the Convention, it had voted in favour of the Convention as a whole.

Mr. LUTEM (Turkey) said that his delegation had voted for the text of article 8 in a spirit of compromise, because under that text the essential principles of loyalty and of the vital interests of the State were recognized. However, as some of the articles accepted during the first part of the Conference went only half-way to meet the exigencies of his country's legislation, his delegation had abstained in the vote on the Convention as a whole. Although it took the view that the regulation of nationality questions was essentially a domestic concern, it had participated in the Conference because it recognized that the matter was also one of international importance. States were so closely interconnected by economic and social ties that nationality had to be easily ascertainable. Statelessness disturbed international relations, was a burden on States, and was an intolerable condition for individuals. He paid a tribute to the impartiality and understanding shown by the President in his conduct of the Conference.

Mr. DARON (Belgium) observed that paragraphs 1 and 2 of article 5 were not quite consistent with each other. Paragraph 1 mentioned "recognition" as one of the cases where consequent loss of nationality "shall be conditional upon possession or acquisition of another nationality". But under paragraph 2, a

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(Mr. Daron, Belgium)

"recognition of affiliation" might entail loss of nationality, and consequently statelessness; in which case the State concerned should provide the child in question with an opportunity to recover that nationality. The inconsistency arose because the word "recognition", in paragraph 1, had not been deleted at Geneva. It was the Belgian Government's intention to give full effect to paragraph 2.

Mr. MALALASEKERA (Ceylon) said that he had abstained from voting on the Convention as a whole because it contained articles which involved too many restrictions on the sovereignty of States. In particular, his delegation had been unable to accept article 8. Nevertheless, it was glad to have been able to participate in the work of the Conference.

Mr. MAURTUA (Peru) said that the Conference had proved fruitful, notwithstanding the difficulties created by its division into two parts, and the fact that some of the provisions of the Convention as adopted might affect the legislation and policies of States. His delegation had made detailed comments on some of the articles which had been adopted, but had voted in favour of the Convention as a whole, desiring to contribute as much as possible towards the achievement of the Conference's objectives. However, its vote was without prejudice to the action which the Peruvian Government might eventually take with regard to ratification of the Convention.

Mr. WALKER (Pakistan) said that his delegation had voted in favour of the Convention as a whole on the same understanding as with regard to article 8. The text constituted a good compromise, which should serve to reduce future statelessness. His delegation's vote did not commit his Government to ratification of the Convention, but the Government of Pakistan would certainly give serious consideration to the possibility of acceding to it.

Mr. ILIC (Yugoslavia) said that his delegation had abstained in the vote, as it considered the provisions of the Convention to be too restrictive. It would have preferred the adoption of more liberal provisions.

Mr. WIRJOPRANOTO (Indonesia) said that his delegation agreed fully with the purpose of the Conference, and had participated in the latter both at Geneva and in New York. However, it regretted that it could not fully support the Convention which had been drawn up, and had therefore had to abstain in the vote upon it. Article 7, paragraphs 3, 4 and 5, and article 8, paragraph 2 (a), were unsatisfactory from his delegation's point of view, as they conflicted with Indonesian legislation. The excessive rigidity of article 17, paragraph 2, was a further obstacle to his delegation's approval of the text.

Adoption of the Convention nevertheless constituted a useful first step, and his Government would take a position on the matter after it had subjected the text to careful study.

Mr. FERREIRA (Argentina) said that his delegation had abstained in the vote, for reasons which it had indicated earlier. Statelessness created no major problems so far as his country was concerned, and stateless persons could obtain Argentine nationality without any particular difficulty. His Government would give serious consideration to the possibility of Argentina's acceding to the Convention at some future date.

Mr. HERRERA-CABRAL (Dominican Republic) said that his delegation had voted in favour of the adoption of the Convention, the provisions of which did not conflict with the Dominican Republic's Constitution. However, he wished to point out that certain international obligations assumed by the American States might be thought to conflict with the Convention in some measure. Furthermore, certain of the Convention's provisions might be deemed to impose simultaneously on two or more American States the obligation to grant their nationality to a stateless person. His country would do its utmost to ensure that the Convention was fully implemented.

Mr. YINGLING (United States-of America) regretted that his delegation had been unable to vote in favour of the Convention as a whole. It might have felt able to approve article 8, had the latter not carried forward certain provisions of article 7 approved at the first part of the Conference. Many of the provisions of article 7 were much more detailed and restrictive than was necessary to accomplish the main purpose of the Convention. He foresaw that the rigid and inflexible

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(Mr. Yingling, United States)

attitude adopted by the Conference towards reservations would prove to have been short-sighted; many more Governments might have become parties to the Convention if they could have made reservations on comparatively minor matters.

However the United States recognized the great importance of reducing future statelessness, and would carefully consider whether it might be able to become a party to the Convention at a later date.

APPROVAL OF THE FINAL ACT OF THE CONFERENCE (A/CONF.9/L.91)

The PRESIDENT said that the blank space appearing after the first sentence of paragraph 23 of the draft Final Act (A/CONF.9/L.91) had been intended to contain the titles of the resolutions adopted by the Conference. However, since those resolutions had no titles, the words "the following" in the sentence in question should be replaced by the word "four", and the sentence should end with a full stop.

Rev. Father de RIEDMATTEN (Holy See) remarked that, in the case of other similar Conventions, the resolutions adopted by conferences had appeared in the Final Act itself, and not in annexes. Although he would prefer the texts of the resolutions to be included in the Final Act, so that they might become more widely known, he would not make a formal proposal to that effect unless he found evidence of support from other delegations.

The PRESIDENT pointed out that there were precedents for publishing resolutions as an annex to the Final Act of a conference.

The Final Act of the Conference was approved unanimously.

CLOSING OF THE CONFERENCE

Mr. FAVRE (Switzerland), speaking on behalf of the delegations participating in the Conference, thanked the President, the Legal Counsel, the Executive Secretary and the staff of the Office of Legal Affairs who had contributed to the success of the Conference.

Delegations had worked in a constructive spirit and there had been no real clash of opinion, but rather a search for solutions to the problem of reducing future statelessness. Article 8 of the Convention had engaged the particular

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(Mr. Favre, Switzerland)

attention of the Conference, and the text as approved should be acceptable to most States. It might appear surprising to introduce into such a Convention provisions under which a person could be rendered stateless; but, if the text was read as a whole, it would be seen that article 8 restricted the right of States to take action independently of the international community. The adoption of the Convention would encourage changes in national legislation concerning statelessness, and would provide real guidance. The concern which had been felt when the first part of the Conference had adjourned without adopting a Convention had proved groundless, and it would have been a mistake to produce a hurried text which would not have been satisfactory to States.

The PRESIDENT thanked the Conference for the kind words which the representative of Switzerland had spoken on its behalf. The fact that the Conference had succeeded in drawing up a Convention on a very difficult problem of such great humanitarian import must be a source of much satisfaction to all. Most of the Convention had been prepared at the first part of the Conference, and his task had been rendered pleasant and easy by the general desire to reach reasonable conclusions and to take account of the views of other delegations.

The President declared the Conference closed.

The meeting rose at 11.35 a.m.