

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

Geneva, 1959 and New York, 1961

Document:-  
**A/CONF.9/SR.7**

**Summary Records, 7<sup>th</sup> Plenary meeting**

UNITED NATIONS

GENERAL  
ASSEMBLY



Distr.  
GENERAL

A/CONF.9/S.7  
24 April 1961

Original: ENGLISH

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UNITED NATIONS CONFERENCE ON THE  
ELIMINATION OR REDUCTION OF FUTURE STATELESSNESS  
SUMMARY RECORD OF THE SEVENTH PLENARY MEETING  
held at the Palais des Nations, Geneva,  
on Wednesday, 1 April 1959, at 3.30 p.m.

President: Mr. LARSEN (Denmark)  
Executive Secretary: Mr. LIANG

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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.

(15 p.)

GE.61-4504

61-11588

EXAMINATION OF THE QUESTION OF THE ELIMINATION AND REDUCTION OF FUTURE STATELESSNESS (item 7 of the agenda) (continued)

Draft convention on the reduction of future statelessness (A/CONF.9/L.1) (continued)  
Articles 5 and 6 (A/CONF.9/4)

The PRESIDENT said that, pending the drafting of a generally acceptable text for article 1, the Conference could consider articles 5 and 6 of the International Law Commission's draft convention (A/CONF.9/L.1).

Mr. RIPHAGEN (Netherlands) drew attention to a discrepancy in wording between article 5 and article 6. According to article 5, loss of nationality was to be conditional "upon acquisition of" another nationality, whereas article 6 stipulated that a spouse or children should not lose nationality unless they "have or acquire" another nationality. The wording of article 5 should be brought into line with that of article 6.

The PRESIDENT agreed with the Netherlands representative. In view of the fact that article 10 of the Danish draft convention (A/CONF.9/4), which corresponded to article 5 of the International Law Commission's draft, provided that loss of nationality should be conditional "upon acquisition or possession" of another nationality, would the Netherlands representative be satisfied if the words "possession or" were inserted before the word "acquisition" in article 5?

Mr. RIPHAGEN (Netherlands) proposed that article 5 be so amended.

Mr. SIVAN (Israel) supported the Netherlands amendment and in reply to a request of the PRESIDENT agreed to prepare a fresh text of article 5 on that basis.

Mr. HERMENT (Belgium) doubted whether it was necessary to retain the word "recognition" in the text of article 5. His Government was concerned particularly with the case of foundlings who, in accordance with article 2 of the draft convention, would acquire by presumption the nationality of the country on whose territory they were found. If a child, found on Belgian territory and having acquired by presumption Belgian nationality, were later recognized as being the child of stateless parents, should the presumption still remain? In his Government's view, it should not, and the foundling would lose his Belgian nationality.

The PRESIDENT said that his understanding of the intentions of the International Law Commission was that there was no connexion between the provisions of article 2 and those of article 5. Presumption was essentially something provisional. A deserted child found on Belgian territory would not necessarily acquire Belgian nationality, so that, if he were later recognized as being the child of stateless parents, he would have no nationality to lose. Thus, the retention of the word "recognition" in the text of article 5 would not affect the status of foundlings at all.

Mr. HERMENT (Belgium) said that in his country "presumption" was interpreted in quite a different manner. A child found on Belgian territory was presumed to have full Belgian nationality until it was proved that he had not. If the foundling were later recognized as being the child of stateless parents, then under Belgian law he would lose Belgian nationality.

Mr. BACCHETTI (Italy) observed that article 5 also contained a reference to adoption. He asked what would happen on the adoption of a child who had had Belgian nationality from birth.

Mr. HERMENT (Belgium) said that no difficulties were raised by adoption, since adopted children did not acquire the nationality of the adopting parents.

Mr. SCHMID (Austria) said that the attitude to foundlings in his country was the same as in Belgium. Children found on Austrian territory were presumed to have full Austrian nationality. Some change would have to be made in the Austrian nationality laws if a child found on Austrian territory and later recognized as the child of stateless parents were not to lose his nationality.

The PRESIDENT said that he did not believe that any disadvantage would be suffered by a foundling presumed to have been born in the territory of the country in which he was found and later recognized as the child of stateless parents. The child would merely be transferred from the category of foundlings to that of ordinary stateless persons and the normal rules for acquisition of nationality by stateless persons would apply.

Mr. BACCHETTI (Italy) suggested that the question raised by the Belgian representative should be studied in the light of any decision the Conference might reach on the text of article 2.

Mr. HERMENT (Belgium) formally proposed that the word "recognition" be deleted from the text of article 5.

The PRESIDENT observed that, if the Conference were to agree to the deletion of the word "recognition", it would thereby give its approval to national laws which entailed loss of nationality as a consequence of a change in status. He himself would oppose any decision to that effect, for it was surely the Conference's aim to safeguard persons against loss of nationality under such conditions. In his view, until the Conference had approved a final text for article 2 it should not take any decision on article 5 which it might later have cause to regret.

Mr. HERMENT (Belgium) said that he had no intention of withdrawing his amendment to article 5.

The PRESIDENT thought it would be unwise for the Conference to vote at once on article 5 and the amendments thereto, since delegations had had little time to consider the amendments. He therefore suggested that further consideration of article 5 be deferred to a later meeting.

It was so agreed.

The PRESIDENT observed that the Conference's consideration of articles of the International Law Commission's draft was merely a first reading. It had been brought to his attention that the rules of procedure adopted at the first plenary meeting did not provide for two readings of the proposed convention, since rule 23, in particular, stated that "when a proposal or amendment has been adopted or rejected it may not be reconsidered unless the Conference, by a two-thirds majority of representatives present and voting, so decides". In order to make provision for a second reading, the Conference might consider amending rule 23 by inserting the words "during the same reading" after the word "reconsidered".

Sir Claude COREA (Ceylon) doubted whether the Conference had any power to amend its rules of procedure, since they contained no provision to that effect. Moreover, any such step was unnecessary. He suggested that the Conference continue considering the draft convention article by article together with any amendments at a first reading, without taking a vote. At a second reading, a vote would be taken on each article.

Mr. BACCHETTI (Italy) supported that suggestion.

Mr. SCOTT (Canada) said that procedural difficulties had arisen because, while the rules of procedure had been intended originally for the General Assembly, the Conference had decided to organize its business in another way. The majority of proposals before the General Assembly were voted on first in Committee, and then by the plenary Assembly. The Conference could find a way out of its difficulty by setting up a Committee of the Whole Conference in the first instance to discuss and vote on proposals. All proposals approved by the Committee would then be voted on by the Conference in plenary meeting. If that course were adopted, no amendment to the rules of procedure would be required.

Mr. CARASALES (Argentina) agreed with the President that the rules of procedure should be amended to provide for two readings of all proposals by the Conference. Some delegations would have to ask their Governments for instructions on certain articles and, when instructions were sought, it would be essential to supply Governments with the texts of proposals already approved at a first reading.

Mr. ABDEL MAGID (United Arab Republic) agreed with the Canadian representative that a Committee of the Whole Conference should be set up to give a first reading to all proposals.

After further discussion, Rev. Father de RIEDMATTEN (Holy See) moved that the debate be closed and proposed that a Committee of the Whole Conference meet forthwith to consider and decide on the texts before the Conference. The Conference would then in plenary meeting vote on the texts approved in Committee.

The proposal of the Holy See was adopted by 13 votes to none, with 15 abstentions.

The meeting rose at 4.30 p.m.