

CONVENTION ON THE REDUCTION OF STATELESSNESS

At its ninth session, which was held from 5 July to 15 August 1949, the United Nations Economic and Social Council considered a Study on Statelessness prepared by the Secretary-General dealing with the question of displaced persons, refugees and stateless persons (E/1112 and Add.1). On the basis of the recommendations contained therein, the Council, by resolution 248 B (IX) of 8 August 1949, decided to appoint an ad hoc committee consisting of representatives of thirteen Governments to consider, inter alia, means of eliminating the problem of statelessness, including the desirability of requesting the International Law Commission to prepare a study and make recommendations on this subject.

The Ad Hoc Committee on Statelessness and Related Problems met from 16 January to 16 February 1950 and had before it, among other documents, a Memorandum on Elimination of Statelessness prepared by the Secretary-General (E/AC.32/4 of 17 January 1950), in which it was noted that the International Law Commission had already included the subject "Nationality, including statelessness" in its provisional list of topics selected for codification and that it would thus be normal for the Commission to consider this matter. The Ad Hoc Committee decided to recommend to the Economic and Social Council the adoption of a draft resolution inviting Member States, inter alia, to "re-examine their nationality laws with a view to reducing so far as possible cases of statelessness which arise from the operation of such laws", and also requesting the International Law Commission to prepare, at the earliest possible date, the necessary draft documents for the conclusion of an agreement or of agreements for the purpose of eliminating statelessness (report of the Ad Hoc Committee, E/1618, para 26). On 11 August 1950, the Economic and Social Council adopted resolution 319 B III (XI) by which it, inter alia, urged the International Law Commission to "prepare at the earliest possible date the necessary draft international convention or conventions for the elimination of statelessness". The Council further requested the Secretary-General to seek information from Member States regarding the subject of statelessness and to submit a consolidated report thereon to the Council and to the International Law Commission (resolutions 319 B III (XI) and 352 (XII) of 13 March 1951).

The Ad Hoc Committee held a second session in Geneva between 14 and 25 August 1950. No action was however taken with regard to the question of elimination of statelessness (E/1850 and annex (E/AC.32/8 and annex)).

At its third session, in 1951, the International Law Commission was apprised of resolution 319 B III (XI) and had before it a document prepared by the Secretariat of the United Nations on the background of the subject (see Elimination of Statelessness - Note prepared by the Secretariat (A/CN.4/47)). The Commission considered that this matter lay within the framework of the topic "Nationality, including statelessness", on which it decided to initiate work while also appointing Mr. Manley O. Hudson as Special Rapporteur for this topic (A/1858, para. 85).

At its fourth session, in 1952, the Commission had before it, inter alia, a working paper on statelessness prepared by the Special Rapporteur (A/CN.4/50, annex III). Several documents prepared by the Secretariat of the United Nations were also made available to the Commission, including the consolidated report by the Secretary-General entitled "The Problem of Statelessness" prepared on the basis of the information received from Member States (A/CN.4/56 and Add.1), and "A Study of Statelessness" (E/1112 and Add. 1). The Commission took the view that a draft convention on elimination of statelessness and one

or more draft conventions on the reduction of future statelessness should be prepared for consideration at its next session. At the same session, the Commission appointed Mr. Roberto Córdova as the new Special Rapporteur for this topic (A/2163, paras. 31 to 34).

At its fifth session, in 1953, on the basis of a report containing draft articles submitted by the Special Rapporteur (A/CN.4/64), the Commission provisionally adopted the text of two draft conventions, one on the elimination of future statelessness and the other on the reduction of future statelessness; both conventions were transmitted to Governments for comments (A/2456, para. 120).

The following year, on 26 April 1954, the Economic and Social Council adopted resolution 526 B (XVII) endorsing “the principles underlying the work of the International Law Commission”, and requested it “to continue its work with a view to the adoption of effective international instruments for the reduction and elimination of statelessness”.

At its sixth session, in 1954, the International Law Commission discussed the observations made by Governments on the two draft conventions (A/CN.4/82 and Add. 1 to 8) and redrafted some of the articles in the light of those observations. At the same session, the Commission adopted the final drafts of both conventions (A/2693, para. 25). The Commission indicated in its report that it would be for the General Assembly to consider to which of the two draft conventions preference should be given (A/2693, para. 14).

Also at its sixth session, the Commission had before it a report of the Special Rapporteur (A/CN.4/81) containing four draft instruments dealing with elimination or reduction of present statelessness (a preliminary report on this topic had been submitted to the Commission during its fifth session (A/CN.4/75) and the Special Rapporteur had been asked by the Commission to devote further study to the matter). In the course of the Commission’s consideration of the report, the Special Rapporteur withdrew three of the proposed drafts. The Commission accepted as the basis of its discussion the fourth draft instrument proposed by the Special Rapporteur, the Alternative Convention on the Reduction of Present Statelessness. At the same session, the Commission adopted seven articles with commentaries on this topic, which were submitted to the General Assembly as part of its final report on nationality, including statelessness (A/2693, paras. 26-37). In submitting the proposed articles, the Commission pointed out “that the proposals adopted, though worded in the form of articles, should merely be regarded as suggestions which Governments may wish to take into account when attempting a solution of this urgent problem” (ibid., para. 36).

During its ninth session, on 4 December 1954, the General Assembly adopted, on the recommendation of its Sixth (Legal) Committee (A/2807), resolution 896 (IX), entitled “Elimination or reduction of future statelessness”, by which it expressed, inter alia, “its desire that an international conference of plenipotentiaries should be convened to conclude a convention for the reduction or elimination of future statelessness as soon as at least twenty States had communicated to the Secretary-General their willingness to participate in such a conference”. The Secretary-General of the United Nations was requested to fix the exact time and place for the conference when that condition had been met.