

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

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**Models for an Optional Protocol of Signature concerning the Compulsory Settlement of
Disputes**

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UNITED NATIONS CONFERENCE ON THE ELIMINATION OR
REDUCTION OF FUTURE STATELESSNESS

Models for an Optional Protocol of Signature concerning
the Compulsory Settlement of Disputes

(prepared by the Secretariat of the United Nations)

Note by the Secretariat

In view of the limited time available to the Conference for the completion of its work, the Secretariat has prepared, for the convenience of the Conference, two models for an optional Protocol of Signature concerning the compulsory settlement of Disputes, and these are annexed to this note.

Annex A is, essentially, a model based upon the principles set out in the draft Convention on the Reduction of Future Statelessness prepared by the International Law Commission. It is based upon the establishment of a tribunal with jurisdiction both to decide upon disputes between States concerning the interpretation or application of the Convention and to decide upon complaints presented on behalf of individuals by the Agency referred to in article 11 of the Commission's draft. Recourse to the International Court of Justice is obligatory pending establishment of the tribunal and, by agreement of the parties to a dispute, after that time as an alternative means of settlement.

Annex B is based, essentially, on the Optional Protocol adopted by the U.N. Conference at the Law of the Sea on 27 April 1958. It envisages the compulsory jurisdiction of the International Court of Justice unless the parties to a dispute settle the dispute by other means, including the setting up of an ad hoc tribunal. It does not envisage either a special tribunal established within the framework of the United Nations or any right of an Agency to present complaints on behalf of individuals.

ANNEX A

Optional Protocol of Signature concerning the Compulsory Settlement of Disputes

The States parties to this Protocol, being parties to the Convention on the Reduction of Statelessness adopted by the United Nations Conference on the Elimination or Reduction of Future Statelessness held at Geneva from 24 March to 17 April 1959,

Expressing their wish to resort, in all matters concerning them in respect of any dispute arising out of the interpretation or application of the Convention on the Reduction of Statelessness of, to the compulsory jurisdiction of an arbitral tribunal or of the International Court of Justice in all disputes which cannot be settled by other means,

Have agreed as follows:

Article I

There shall be established, within the framework of the United Nations, a Tribunal which shall be competent to decide any dispute between the Parties to this Optional Protocol concerning the interpretation or application of the Convention on the Reduction of Statelessness. Such disputes may be brought before the Tribunal by an application made by any one of the Parties to the dispute.

Article II

The Tribunal shall be competent to decide upon any complaints presented by the Agency referred to in article of the Convention on the Reduction of Statelessness on behalf of a person claiming to have been denied nationality in violation of the provisions of the Convention.

Article III

Pending the establishment of the Tribunal provided for in article I of this Protocol, any dispute between the Parties to this Protocol concerning the interpretation or application of the Convention on the Reduction of Statelessness which cannot be settled by other means shall be submitted to the International Court of Justice upon the application of any one of the Parties to the dispute.

Article IV

This Protocol shall remain open for signature by all States who become parties to the Convention on the Reduction of Statelessness adopted by the United Nations Conference on the Elimination or Reduction of Future Statelessness and is subject to ratification unless, upon signature, the State signing expressly accepts the Protocol as binding.

Article V

The Secretary-General of the United Nations shall inform all States who become parties to the Convention on the Reduction of Statelessness of signatures to this Protocol and of the deposit of instruments of ratification in accordance with article V.

Article VI

The original of this Protocol, of which the Chinese, English, French and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article V.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed this Protocol.

DONE AT GENEVA, this
fifty-nine.

day of April one thousand nine hundred and

ANNEK B

Optional Protocol of Signature concerning the Compulsory Settlement of Disputes

The State parties to this Protocol, being parties to the Convention on the Reduction of Statelessness adopted by the United Nations Conference on the Elimination or Reduction of Future Statelessness held at Geneva from 24 March to 17 April 1959,

Expressing their wish to resort, in all matters concerning them in respect of any dispute arising out of the interpretation or application of the Convention on the Reduction of Statelessness of April 1959, to the compulsory jurisdiction of the International Court of Justice in all disputes which cannot be settled by other means,

Have agreed as follows:

Article I

Disputes arising out of the interpretation or application of the Convention on the Reduction of Statelessness shall, unless settled by other means, lie within the compulsory jurisdiction of the International Court of Justice, and may accordingly be brought before the Court by an application made by any party to the dispute being a party to this Protocol.

Article II

The parties may agree, within a period of two months after one party has notified its opinion to the other than a dispute exists, to resort not to the International Court of Justice but to an arbitral tribunal. After the expiry of the said period, either party to this Protocol may bring the dispute before the Court by an application.

Article III

This Protocol shall remain open for signature by all States who become parties to the Convention on the Reduction of Statelessness adopted by the United Nations Conference on the Elimination or Reduction of Future Statelessness and is subject to ratification unless, upon signature, the State signing expressly accepts the Protocol as binding.

Article IV

The Secretary-General of the United Nations shall inform all States who become parties to the Convention on the Reduction of Future Statelessness of signature to this Protocol and of the deposit of instruments of ratification in accordance with article III.

Article V

The original of this Protocol, of which the Chinese, English, French and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article III.

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DONE AT GENEVA, this day of April one thousand nine hundred
and fifty-nine.