



The *Travaux Préparatoires* of the
1954 Convention relating to the Status of
Stateless Persons

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Introduction

A Brief History of the 1954 Convention relating to the Status of Stateless Persons

Background

Immediately following World War II, the international community and the fledgling United Nations proposed new international agreements to address the status of refugees and stateless persons. But the status of refugees was, quite literally, a higher priority than that of stateless persons on the international community's agenda.¹

In 1948, the UN Economic and Social Council charged the Secretary General to study statelessness and to recommend how the United Nations could better protect stateless people.² In 1949, the United Nations released the resulting study, "A Study on Statelessness,"³ and the Council appointed a committee to consider an international instrument addressing the situation of refugees and stateless persons.⁴

That committee, the UN *Ad Hoc* Committee on Refugees and Stateless Persons, convened twice in 1950 and compiled two draft international instruments that would improve the status of refugees and stateless persons.⁵ First, the *Ad Hoc* Committee drafted a convention that would set out the definition of a refugee and outline the rights associated with refugee status. Second, the *Ad Hoc* Committee drafted a protocol on statelessness that would extend to stateless persons some of the substantive protections from the refugee convention.⁶

The UN General Assembly advanced these two draft instruments to the 1951 Conference of Plenipotentiaries, which revised and signed the *Ad Hoc* Committee's draft refugee convention. The resulting agreement is now known as the 1951 Convention relating to the Status of Refugees ("1951 Refugee Convention"). The 1950 *Ad Hoc* Committee's draft statelessness protocol had incorporated provisions

¹ See, e.g., UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, Provisional Agenda of Conference to Open at Geneva on Monday, 28 May 1951, at 11 a.m., 9 March 1951, A/CONF.2/2, <http://www.refworld.org/docid/3ae68ce08.html>.

² Resolution 116 (VI) (D).

³ UN *Ad Hoc* Committee on Refugees and Stateless Persons, A Study of Statelessness, 1 August 1949, E/1112; E/1112/Add.1, <https://www.refworld.org/docid/3ae68c2d0.html>.

⁴ Resolution 248 (IX) (B).

⁵ UN *Ad Hoc* Committee on Refugees and Stateless Persons, Report of the *Ad Hoc* Committee on Refugees and Stateless Persons, Second Session, Annex II, 25 August 1950, E/AC.32/8;E/1850, <http://www.refworld.org/docid/3ae68c248.html>.

⁶ Id.

from the 1950 draft refugee convention by reference, but it did not update the draft statelessness protocol to reflect the changes to the 1951 Convention. Instead, the 1951 drafters referred the now-obsolete draft protocol back to the United Nations for further consideration.⁷

After the 1951 Refugee Convention came into force, the United Nations convened another conference in 1954 to regulate the status of stateless persons, leading to the 1954 Convention relating to the Status of Stateless Persons (“1954 Statelessness Convention”). This volume compiles the discussions and drafts that led to the 1954 Statelessness Convention.

Drafting the Convention

At the 1954 drafting Conference, there was extensive debate as to whether the draft statelessness instrument should be a protocol to the 1951 Refugee Convention, as was intended by the drafters of the 1950 draft statelessness protocol, or an independent instrument.⁸ An independent instrument would allow States that had not acceded to the 1951 Refugee Convention to join the new instrument on statelessness.⁹ Finally, after repeated debate on the matter,¹⁰ in the twelfth of fifteen meetings, the Conference voted in favour of an independent convention.¹¹

In addition to the common historical roots of the two conventions, the 1954 Convention also closely follows the 1951 Convention’s format and substantive

⁷ UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, III, 25 July 1951, A/CONF.2/108/Rev.1, <http://www.refworld.org/docid/40a8a7394.html> (“With respect to the draft Protocol relating to the Status of Stateless Persons, the Conference adopted the following resolution:

“THE CONFERENCE,

“HAVING CONSIDERED the draft Protocol relating to the Status of Stateless Persons,

“CONSIDERING that the subject still requires more detailed study,

“DECIDES not to take a decision on the subject at the present Conference and refers the draft Protocol back to the appropriate organs of the United Nations for further study.”).

⁸ The former option, adopting provisions by reference to the 1951 Convention, was referred to as adoption *mutatis mutandis*; that is, working from the 1951 Convention’s substantive protections for refugees while making necessary adjustments to the context of stateless persons. E/CONF.17/SR.2, p. 3 (Statement of Mr. Tuncel, Turkey); p. 9 (Statement of President, Mr. Larsen of Denmark); p. 10 (Statement of Mr. Trujillo, Ecuador); E/CONF.17/SR.5, p. 3 (Statement of Mr. Tuncel, Turkey); p. 16 (Statement of Mr. Bozovic, Yugoslavia).

⁹ E/CONF.17/SR.2, p. 3 (Statement of Mr. Aycinena, Guatemala) (noting that a new Convention would allow for non-signatories to the 1951 Convention to join the new instrument.

¹⁰ E/CONF.17/SR.5, p. 4 (Statement of President, Mr. Larsen of Denmark).

¹¹ E/CONF.17/SR.12, p. 9 (supporting an independent convention by a margin of 12 votes to none with 3 abstentions).

protections.¹² Throughout the drafting process, the drafters debated the balance between setting lofty standards, which would risk many reservations and few signatories, against attracting signatories but failing to improve stateless person's legal status.¹³ At every deviation from the 1951 Convention, the result was to lessen protection for stateless persons as compared with that provided to refugees.¹⁴

Defining Statelessness

The goal of the 1954 Conference of Plenipotentiaries was to outline which of the rights given to refugees that states would extend to non-refugee stateless persons.¹⁵ The Conference's was *not* charged with taking steps to eliminate future statelessness. The International Law Commission was addressing that issue,¹⁶ and its efforts resulted in the 1961 Convention on the Reduction of Future Cases of Statelessness.

The most significant contribution of the 1954 Convention is not the list of substantive rights that stateless persons should enjoy in the territory of state parties. It is, rather, the definition of a stateless person: "a person who is not considered as a national by any State under the operation of its law."¹⁷

In reaching this definition, the delegates debated four significant points. First, the delegates initially differed as to whether a definition should be included in the Convention at all, and if it was included, whether it should be its own article or simply a portion of the instrument's preamble.¹⁸ As we know, a definition was offered, and it was included as an article rather than as a preamble.

¹² See, e.g., E/CONF.17/SR.2, p. 8 (Statements of Mr. Robinson, Israel, and Mr. Tuncel, Turkey) (noting that the language of the 1951 Convention should form the basis of the new instrument whether in the form of a protocol or convention).

¹³ See, e.g., E/CONF.17/SR.7, p. 3 (Statement of Mr. Brown, United Kingdom) (noting that a draft instrument which granted few instruments might attract many state parties but would accomplish little).

¹⁴ Laura van Waas, *Nationality Matters* (2008) ("In each and every case [of modification from the 1951 Refugee Convention to the 1954 Statelessness Convention], however, the upshot of the amendment was a deterioration of the protection offered. We are thus forced to conclude that this drafting process had an irreversibly detrimental impact upon the effectiveness of the 1954 Statelessness Convention – a fact that was evidenced time and again as we reflected upon the scope and content of each individual provision.").

¹⁵ See, e.g., E/CONF.17/SR.1, p. 5 (Statement of Mr. Brown, United Kingdom); E/CONF.17/SR.3, p. 10 (Statement of Mr. Robinson, Israel) (both noting that the goal of the Conference was to determine the rights of stateless individuals).

¹⁶ E/CONF.17/SR.1, pp. 2-3 (Statement of Secretary-General).

¹⁷ Article 1(1).

¹⁸ E/CONF.17/SR.2, p. 4 (Mr. Kos, Yugoslavia); p. 11, (Mr. Tuncel, Turkey); E/CONF.17/SR.3, pp. 10-11 (Mr. Robinson, Israel); E/CONF.17/SR.4, p. 2 (Mr. Herment, Belgium); E/CONF.17/SR.10, p. 10

Second, the parties disagreed as to whether the Convention should include time and place restrictions. The 1951 Convention limited refugee status to those who were displaced due to events occurring prior to 1 January 1951.¹⁹ It further allowed states to limit refugee status to those who were displaced from Europe.²⁰ The Australian delegate to the 1954 Conference insisted on including this restriction in the new instrument also.²¹ This suggestion met swift opposition from several other delegations who did not want a time or place restriction included.²² Over the Australian delegate's objection, the 1954 Statelessness Convention did not include any restrictions on time or place.

Third, the drafters differed as to whether only *de jure* stateless persons should receive protection, or whether *de facto* stateless persons should be included as well.²³ Some drafters believed that *de facto* stateless individuals were usually refugees.²⁴ Only *de jure* stateless persons were addressed in the text of the Convention. The Convention's Article 1 defined their status, and it was their rights that were enumerated in the Convention's substantive provisions. The Conference's Final Act encouraged to extend protection to *de facto* stateless persons, making that action optional rather than mandatory.²⁵ There is still no binding legal definition of *de facto* statelessness, and the terms *de jure* and *de facto* continue to provide more confusion than clarity.²⁶

Fourth, the drafters debated whether the Convention should extend protections to individuals who had entered the country of residence unlawfully. The Belgian²⁷ and

(Statements of Mr. Tuncel, Turkey; and Mr. Brown, United Kingdom) (each debating on the merits of including a definition in the draft instrument).

¹⁹ 1951 Refugee Convention, art. 1(A)(2).

²⁰ 1951 Refugee Convention, art. 1(B).

²¹ E/CONF.17/SR.2, p. 6 (Statement of Mr. Loomes, Australia).

²² E/CONF.17/SR.2, p. 7 (Statements of Mr. Herment, Belgium; Mr. Jobez, France; and Mr. Voigt, Federal Republic of Germany).

²³ See, e.g., E/CONF.17/SR.2, p. 11 (Statement of Mr. Brown, United Kingdom); E/CONF.17/SR.10, pp. 11-12 (Statements of Mr. Dons, Norway, and Mr. Bozovic, Yugoslavia) (opposing protection of *de facto* stateless persons in the 1954 Convention; (Statements of Mr. Aycinena, Guatemala; Mr. Brown, United Kingdom; Mr. Grandjean, Switzerland; Mr. Scheltema, Netherlands; Mr. Barros-Gomes, Brazil; Mr. Pastrana, Colombia) (each supporting a provision that would recommend but not require protection of *de facto* stateless persons).

²⁴ E/CONF.17/SR.3, p. 2 (Statement of Mr. Brown, United Kingdom).

²⁵ Final Act, E/CONF.17/5., pp. 4-5; E/CONF.17/SR.15, p. 5 (deciding to include a recommendation on protection of *de facto* stateless persons in the Final Act).

²⁶ van Waas, Nationality Matters, 27 ("The continuing divergent practices in the use of this label is obscuring efforts to actually identify cases of statelessness that warrant the applicable legal protection. It would be far more fruitful to concentrate efforts on the implementation of the existing definition of statelessness . . .").

²⁷ E/CONF.17/SR.8, p. 12 (Statement of Mr. Herment, Belgium); E/CONF.17/SR.10, p. 6 (Statement of Mr. Herment, Belgium).

Filipino delegates²⁸ independently insisted that stateless persons who had unlawfully entered state territory should not receive protection and should be subject to expulsion.²⁹ While the Convention limited some substantive rights to stateless persons who were lawfully present in the country, individuals who entered a country unlawfully are not barred from all benefits of the Convention.³⁰

The parties largely agreed on the need for the new instrument to continue the exclusion clauses of the 1951 Refugee Convention, namely Art. 1(D), (E), and the three clauses of Art. 1(F).³¹ These excluded from protection individuals who were receiving protection or assistance from other United Nations agencies, who had the rights and obligations of nationals in their country of residence, and people who have committed serious crimes.

The Role of the *Travaux Préparatoires*

Fifty years after the signing of the respective instruments, the 1951 Refugee Convention had 140 signatories; the 1954 Statelessness Convention had fewer than 60.³² Yet the 1954 Convention relating to the Status of Stateless Persons has enjoyed a wave of renewed attention, new state signatories, and movement to apply its provisions in state-run statelessness determination procedures. It is crucial for adjudicators, UN bodies, civil society organizations, and scholars to have a clear understanding of the 1954 Convention's definition and substantive protections for stateless persons.

The Vienna Convention on the Law of Treaties gives *travaux* a privileged status in treaty interpretation:³³

Recourse may be had to supplementary means of interpretation,
including the preparatory work of the treaty and the circumstances of

²⁸ E/CONF.17/SR.15, p. 9 (Statement of Mr. Mendez, Philippines) (unsuccessfully insisting that stateless persons who entered their country of residence unlawfully should be barred from protection under the 1954 Statelessness Convention).

²⁹ E/CONF.17/SR.8, p. 12 (Statement of Mr. Herment, Belgium).

³⁰ E/CONF.17/SR.15, p. 9 (Statement of President, Mr. Larsen, Denmark) (rejecting the suggestion of Mr. Mendez that stateless persons who had unlawfully entered their country of residence be excluded from the Convention's protections).

³¹ See E/CONF.17/SR.3, p. 3 (Statement of Mr. Brown, United Kingdom).

³² UNHCR, States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, <http://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf>; UNHCR, States Parties to the 1954 Convention relating to the Status of Stateless Persons, <http://www.unhcr.org/en-us/protection/statelessness/3bbb0abc7/states-parties-1954-convention-relating-status-stateless-persons.html>.

³³ Vienna Convention on the Law of Treaties art. 33, May 23, 1969, 1155 U.N.T.S. 331.

its conclusion, in order to confirm the meaning . . . or to determine the meaning when the interpretation . . .

(a) leaves the meaning ambiguous or obscure; or

(b) leads to a result which is manifestly absurd or unreasonable.

The *travaux* thus serve a vital role in interpreting the Convention.

They also demonstrate the limitations of drafting process. Three facts are notable, even as they are unsurprising. First, as with the 1951 Refugee Convention,³⁴ participation in the drafting overwhelmingly came from delegates from Western and colonial powers. Second, the overwhelming number of delegates were men. In fact, of 55 delegates, alternates, and observers, three were women.³⁵ Finally, none of the delegates, alternates, or attendees identified as people who had experienced statelessness.³⁶

Adjudicators applying the 1951 Refugee Convention's definition of a refugee make frequent reference to the 1951 Refugee Convention's *travaux Préparatoires*.³⁷ And easily so; UNHCR's RefWorld database provides ready and free access to the 1951 Refugee Convention's preparatory documents and summary records.

³⁴ For a discussion on the colonial legacy of the 1951 Convention, see Edwin O. Abuya, Ulrike Krause, & Lucy Mayblin, *The Neglected Colonial Legacy of the 1951 Refugee Convention*, 59 *International Migration* 265 (2021), <http://dx.doi.org/10.1111/imig.12898>.

³⁵ E/CONF.17/IMF.1.

³⁶ The delegate from Israel, Jacob Robinson, was Jewish and a Lithuanian citizen. I cannot be certain that he was never stateless, though I believe it is unlikely. He left Lithuania in 1940 on a Lithuanian passport, and the Lithuanian consulate in New York certified his Lithuanian nationality in 1941. He was issued a U.S. passport in 1946. See, United States Holocaust Memorial Museum collections, Jacob Robinson Papers, Series 2: Personal papers, 1911-1977. Relevant items include: Documents related to immigration, 1911-1955, Items 2013.506.1_001_011_0057 (Lithuanian passport from 1940) and 2013.506.1_001_011_0081 (certification as Lithuanian citizen in 1941); Identity papers for Jacob and Klara Robinson, 1923-1977, Item 2013.506.1_001_008_0112 (U.S. passport issued in 1946).

³⁷ See, e.g., Kenya National Commission on Human Rights & another v Attorney General & 3 others, Petition No. 227 of 2016, Kenya: High Court, 9 February 2017, http://www.refworld.org/cases,KEN_HC,58a19f244.html; AH (Algeria) v. Secretary of State for the Home Department v. UNHCR, [2015] EWCA Civ 1003, United Kingdom: High Court (England and Wales), para. 23, 14 October 2015, http://www.refworld.org/cases,GBR_HC_QB,5824986e4.html; Amer Mohammed El-Ali v. Secretary of State for the Home Department and Daraz v. The Secretary of State for the Home Department, United Kingdom: Court of Appeal (England and Wales), paras. 18-21, 26 July 2002, http://www.refworld.org/cases,GBR_CA_CIV,3f278a3a4.html; Pushpanathan v. Canada (Minister of Citizenship and Immigration), [1998] 1 S.C.R. 982, Canada: Supreme Court, 4 June 1998, http://www.refworld.org/cases,CAN_SC,3ae6b71ca.html; A and Another v Minister for Immigration and Ethnic Affairs and Another, [1997], Australia: High Court, 24 February 1997, http://www.refworld.org/cases,AUS_HC,3ae6b7180.html (each referring to the *travaux préparatoires* in interpreting the 1951 Refugee Convention).

But until now, adjudicators, scholars, and advocates have not had ready access to the full *travaux* of the 1954 Statelessness Convention. It is my hope that making these documents available will help the international legal community to better understand and apply the 1954 Convention to meet its goal: to promote the international protection of stateless persons.

Outline

Part I of this volume presents an excerpt from the report of the 1950 *Ad Hoc* Committee (E/1618 E/AC.32/5), which provided the first drafts of a refugee convention and statelessness protocol.

Part II then presents the preparatory work done prior to the 1954 Convention's Conference of plenipotentiaries. The United Nations Secretary General requested comments from States on their willingness to adopt a protocol. The Secretary General's Memorandum (E/CONF.17/3) summarized the work done by the 1950 *Ad Hoc* Committee. The Part then includes the comments that governments submitted in advance of the Conference (E/2373 and E/2373/Add.1-12). The Secretary General's Note summarizes the previous work done by the International Law Commission to address statelessness (E/CONF.17/4).

Part III presents the summary records, or descriptions of the discussions, of the Conference of Plenipotentiaries (E/CONF.17/SR.1-15). In these discussions, the drafters debated drafts suggested for inclusion in the draft convention. Those draft provisions appear in this volume following the summary records (E/CONF.17/L.1-L.29). Part III also includes one comment from civil society in the conference records (E/CONF.17/NGO.1).

Part IV presents the Final Act of the Conference. (360 United Nations Treaty Series 117 (1960)). Part V provides the procedural documents of the 1954 Conference, including the agenda, rules of procedure, and list of attendees (E/CONF.17/1-2, E/CONF.17/IMF.1).

Finally, the volume provides an annex in chart form to assist the reader by presenting the substantive provisions and the articles in which they are referenced, since the provisions were renumbered several times.

Editing Note

With the cooperation of UNHCR's talented staff in the Statelessness Unit in the summer of 2017, I duplicated the hard copy records on file in Geneva, digitized

those records, verified the accuracy of the new digital version as far as possible, and compiled the index and annex.

This volume adheres as closely as possible to the original formatting. I have retained reference to the original pagination so that readers can cite to the original documents or to this volume, as they deem appropriate.

I have made a few alterations. First, a handful of words were illegible due to previous copying or degradation of documents. In those instances, I have noted the illegible word or phrase in brackets. Second, I italicized terms from languages other than English rather than retaining the underlining in the original. Third, also in rare instances, I have corrected obvious typographical errors.

Part I: The Report of the *Ad Hoc* Committee on Refugees and Stateless Persons

UN *Ad Hoc* Committee on Refugees and Stateless Persons, Report of the *Ad Hoc* Committee on Statelessness and Related Persons (Lake Success, New York, 16 January to 16 February 1950), 17 February 1950, E/1618; E/AC.35/5, <http://www.refworld.org/docid/40aa15374.html>.

United Nations Economic and Social Council
E/1618 E/AC.32/5 17 February 1950

Report of the *Ad Hoc* Committee on Statelessness and Related Problems
Lake Success, New York
16 January to 16 February 1950

[The following is an excerpt from the report]

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Chapter II

15. In view of the urgency of refugee problem and the responsibility of the United Nations in this field, the Committee decided to address itself first to the problem of refugees, whether stateless or not, and to leave to later stages of its deliberations the problems of stateless persons who are not refugees.

16. The Committee met in 32 plenary meetings and for special purposes appointed two working groups. The first of these was charged with the duty of drafting an article defining the term “refugee.” The second was asked to draft a preamble to the convention, to co-ordinate the French and English texts, to edit and organize the articles of the convention as they had been passed by the Committee and, finally, to consider the possibility of the application of certain articles of the convention to stateless persons who are not refugees.

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Annex I

Draft Convention Relating to the Status of Refugees [footnote 1: The titles of Articles have been retained to assist in the study of the Draft Convention. The Committee felt they would be omitted when the Draft Convention is approved.]

PREAMBLE

The Contracting States,

Considering the concern of the United Nations for the protection of human rights without any discrimination as given expression in the Universal Declaration of Human Rights and especially Articles 6 and 14 thereof; and in particular their profound concern for the rights of refugees as evinced in various resolutions of the General Assembly of the United Nations and of the Economic and Social Council of the United Nations, especially resolution 219 A (IV), 3 December 1949, and in which the General Assembly recognized the international scope and nature of the refugee problem and the responsibility of the United Nations for the international protection of refugees; and

Considering further that it is desirable to revise and consolidate previous international agreements relating to the protection of refugees, to extend the scope of such agreements to additional groups of refugees and to increase the protection accorded by these instruments,

Have agreed

E/1618 E/AC.32/5 Page 12

CHAPTER I GENERAL PROVISIONS

Article 1 Definition of the term “refugee”

A. For the purposes of this Convention, the term “refugee” shall apply to:

1. Any person who:

(a) As a result of events in Europe after 3 September 1949 [this is presumably a typographical error and should read 1939] and before 1 January 1951 has well-founded fear of being the victim of persecution for reasons of race, religion, nationality or political opinion; and

(b) Has left or, owing to such fear, is outside the country of his nationality, or if he has no nationality, the country of his former habitual residence; and

(c) Is unable or, owing to such fear, unwilling to avail himself of the protection of the government of his country of nationality.

This provision shall not include a person who was a member of a German minority in a country outside Germany and who is in Germany.

2. Any person who:

- (a) (i) Was a victim of the Nazi regime in Germany or in a territory purported to have been incorporated into Germany, or of a regime which took part on its side in the Second World War, or of a regime in a country occupied by Germany which assisted Germany against the United Nations; or
- (ii) Was or has well-founded fear of being a victim of the Falangist regime in Spain; and
- (b) Has left or is outside the country of his nationality or, if he has no nationality, the country of his former habitual residence; and
- (c) Is unable or, for reasons other than those of purely personal convenience, unwilling to avail himself of the protection of the government of his country of nationality.

3. Any person who in the period between 4 August 1914 and 3 September 1939 was considered to be a refugee.

B. The Contracting States may agree to add to the definition “refugee” contained in this Article persons in other categories recommended by the General Assembly.

E/1618 E/AC.32/5 Page 13

C. No Contracting State shall apply the benefits of this Convention to any person who in its opinion has committed a crime specified in article VI of the London Charter of the International Military Tribunal or any other act contrary to the purposes and principles of the Charter of the United Nations.

D. This Convention shall cease to apply to any refugee when:

- 1. He acquires a new nationality, or
- 2. He returns to the country of his nationality, or if he has no nationality, to the country of his former habitual residence.

Article 2 General obligations

In any country in which a refugee finds himself he must conform to the laws and regulations, including measures taken for the maintenance of public order.

Article 3 Non-discrimination

The Contracting States shall not discriminate against a refugee on account of his race, religion, or country of origin, or because he is a refugee.

Article 4 Exemption from reciprocity

Where rights and favours are accorded to aliens generally, but are made subject to reciprocity, the Contracting States shall not refuse such rights and favours to refugees.

Article 5 Exemption from exceptional measures

With regard to exceptional measures which may be taken against the person, property or interests of nationals of a foreign State, the Contracting States shall not apply such measures to a refugee who is formally a national of the said State, solely on account of such nationality.

Article 6 Continuity of residence

The Contracting States agree that:

1. Where a refugee has been forcibly displaced during the Second World War and removed to the territory of a Contracting State, and is residing

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there, the period of such enforced sojourn shall be considered to have been lawful residence within that territory;

2. Where a refugee has been forcibly displaced during the Second World War from the territory of a Contracting State and has subsequently returned there, the period of residence before and after such enforced displacement shall be regarded as one uninterrupted period for any purposes for which uninterrupted residence is required.

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Chapter II Legal Status

Article 7 Personal status

1. The personal status of a refugee shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.
2. Rights acquired under a law other than the law of the country of domicile or residence of a refugee, more particularly rights attaching to marriage, shall be respected, subject to compliance, if this be necessary, with the formalities prescribed by the law of this residence.

Article 8 Movable and immovable property

The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded generally to aliens in the same circumstances as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

Article 9 Artistic rights and industrial property

In respect of literary, artistic and scientific rights, and of industrial property such as patents, designs, models, licences, trademarks, trade names etc., the Contracting States shall accord to refugees the most favourable treatment accorded to nationals of foreign countries.

Article 10 Right of association

As regards non-profit making associations and trade unions the Contracting States shall accord to refugees lawfully in their territory the most favourable treatment accorded to nationals of foreign countries.

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Article 11 Access to Courts

1. A refugee shall have free access to the courts of law in the territory of the Contracting States.
2. In the country in which he has his habitual residence, a refugee shall enjoy in this respect the same rights and privileges as a national. He shall, on the same conditions as a national, enjoy the benefit of legal assistance and be exempt from *caution judicatum solvi*.
3. In countries other than that in which he has his habitual residence, a refugee shall be accorded in these matters the treatment granted to a national of the country of his habitual residence.

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Chapter III Gainful Occupation

Article 12 Wage-earning employment

1. The Contracting States shall accord to refugees lawfully in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.
2. In any case, restrictive measures imposed on aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions:
 - (a) He has completed three years' residence in the country;
 - (b) He has a spouse possessing the nationality of the country of residence;
 - (c) He has one or more children possessing the nationality of the country of his residence.
3. The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees in this regard to those of nationals, and in particular those

refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.

Article 13 Self-employment

The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible, and in any event, not less favourable than that accorded generally to aliens in the same circumstances, as regards the right to engage in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

Article 14 Liberal professions

1. The Contracting States shall accord to refugees lawfully resident in their territory who hold diplomas recognized by the competent authorities of the country of residence, and who are desirous of practicing a liberal profession, treatment

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as favourable as possible, and in any event, not less favourable than that accorded to aliens in the same circumstances.

2. The Contracting States shall use their best endeavours consistently with their laws and constitutions to secure the settlement of such refugees in their colonies, protectorates or in Trust Territories under their administration.

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Chapter IV Welfare

Article 15 Rationing

Where a rationing system exists, refugees shall be treated on the same footing as nationals.

Article 16 Housing

As regards housing, the Contracting States in so far as the matter is regulated by laws or regulations, or is subject to the control of public authorities, shall accord to refugees lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded generally to aliens in the same circumstances.

Article 17 Public education

1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.

2. The Contracting States shall accord to refugees the most favourable treatment accorded to nationals of a foreign country with respect to other education and in particular as regards the remission of fees and charges and the award of scholarships.

Article 18 Public relief

The Contracting States shall accord to refugees lawfully in their territory the same treatment with respect to public relief and assistance as is accorded to nationals.

Article 19 Labour legislation and social security

1. The Contracting States shall accord to refugees lawfully in their territory the same treatment as is accorded to nationals in respect of the following matters:

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(a) In so far as such matters as governed by laws or regulations or are subject to the control of administrative authorities: remuneration, including family allowances where those form part of remuneration, hours to work, overtime arrangements, holidays with pay, restrictions on home work, minimum age for employment, apprenticeship and training, woman's work and the work of young persons and the enjoyment of the benefits of collective bargaining;

(b) Social security (legal provisions in respect of employment injury, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency, which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

(i) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;

(ii) National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension.

2. Contracting States whose nationals enjoy the benefits of agreements for the maintenance of acquired rights and rights in the process of acquisition in regard to social security, shall extend the benefits of such agreements to refugees subject only to the conditions which apply to nationals.

3. Contracting States will give sympathetic consideration to extending to individual refugees so far as possible the benefits of similar agreements which may have been concluded by such Contracting States with the country of the individual's nationality or former nationality.

Chapter V Administrative Measures

Article 20 Administrative assistance

1. The Contracting States in whose territory the exercise of a right by aliens would normally require the assistance of the authorities of his country of nationality shall arrange that such assistance be afforded to refugees by an authority or authorities, national or international.
2. The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered to refugees such documents or certifications as would normally be delivered to other aliens by their national authorities.
3. Documents or certifications so delivered shall stand in the stead of and be accorded the same validity as would be accorded to similar instruments delivered to aliens by their national authorities.
4. Subject to such exceptional treatment as may be granted to indigent refugees, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services.

Article 21 Freedom of movement

The Contracting States shall accord to refugees lawfully in their territory the right to choose their place of residence and to travel freely within their territory, subject to any regulations applicable to aliens generally in the same circumstances and to the conditions under which such refugees were admitted.

Article 22 Identity papers

The Contracting States shall issue identity papers to any refugee in their territory who does not possess a valid travel document issued pursuant to article 23.

Article 23 Travel documents

1. The Contracting States shall issue, on request, to a refugee lawfully resident in their territory, a travel document for the purpose of travel outside their territory; and the provisions of the Schedule to this Convention shall apply with respect to such document. The Contracting States may issue such a travel document to a refugee not lawfully resident in their territory.
2. Travel documents issued to refugees under previous international agreements by parties thereto shall be recognized and treated by the Contracting States in the same way as if they had been issued pursuant to this article.

Article 24 Fiscal charges

1. The Contracting States shall not impose upon refugees in their territory duties, charges or taxes, of any description whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.
2. Nothing in the above paragraph shall prevent the application to refugees of the laws and regulations concerning charges in respect of the issue to aliens of administrative documents.
3. The Contracting States reserve the right to impose upon refugees a special duty payable either on identity cards, or residence permits on travel documents. Revenue accruing from this duty shall be wholly applied to charities for the relief of refugees.

Article 25 Transfer of assets

1. A contracting State shall, in conformity with its laws and regulations, permit a refugee to transfer assets which he has brought with him into its territory to another country where he has been admitted for the purposes of resettlement.
2. The Contracting States shall give sympathetic consideration to the application of a refugee for permission to transfer assets wherever they may be and which are necessary for his resettlement to another country where he has been admitted.

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Article 26 Refugees not lawfully admitted

1. The Contracting States shall not impose penalties, on account of his illegal entry or presence, on a refugee who enters or who is present in their territory without authorization, and who presents himself without delay to the authorities and shows good cause for his illegal entry or presence.
2. The Contracting States shall not apply to such refugee restrictions of movement other than those which are necessary and such restrictions shall only be applied until his status in the country is regularized or he obtains admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.

Article 27 Expulsion of lawfully resident refugee

1. The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order and in pursuance of a decision reached in accordance with due process of law.
2. Such refugee shall be entitled, in accordance with the established law and procedure of the country, to submit evidence to clear himself and to be represented before the competent authority.
3. The Contracting States shall allow such refugee a reasonable period within which to seek legal admission into another country. The Contracting States reserve the

right to apply during that period such internal measures as they may deem necessary.

Article 28 Prohibition of expulsion to territories where the life or freedom of the refugee is threatened

Each of the Contracting States shall not expel or return, in any manner whatsoever, a refugee to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality or political opinion.

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Article 29 Naturalization

The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

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Chapter VI Implementation and Transitory Provisions

Article 30 Co-operation of the national authorities with the United Nations

1. The Contracting States shall maintain contact with the agencies charged by the United Nations with the international protection of refugees such as the United Nations High Commissioner for Refugees and shall facilitate their work.

2. In order to enable such agencies to make reports to the competent organs of the United Nations, the Contracting States shall provide them in the form prescribed with data, statistics and information concerning:

- (a) The condition of refugees,
- (b) The implementation of this Convention, and
- (c) All regulations, laws, decrees etc., made by them concerning refugees.

Article 31 Measures of implementation of the Convention

Each of the Contracting States shall, within a reasonable time and in accordance with its constitution, adopt legislative or other measures to give effect to the provisions of this Convention, if such measures are not already in effect.

Article 32 Relation to previous Conventions

1. Without prejudice to article 23, paragraph 2, of this Convention, this Convention replaces the Arrangements of 5 July 1922, 31 May 1924, 12 May 1926, 30 June 1928

and 30 July 1935, the Conventions of 28 October 1933 and 10 February 1938, and the Agreement of 15 October 1946, as between all parties to this Convention.

2. As between two States parties to a previous instrument mentioned in paragraph 1 of this article, one of which is not party to this Convention, the previous agreement shall continue in force.

3. Each of the above-mentioned instruments shall be deemed to be terminated when all the States parties thereto shall have become parties to this Convention.

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Article 33 Settlement of disputes

If any dispute shall arise between parties to this Convention relating to its interpretation or application, and if such dispute cannot be settled other means, the dispute shall, at the request of any one of the parties to the dispute, be referred to the International Court of Justice.

Article 34 Signature, ratification and accession

1. This Convention shall be open until . . . (on year after the Convention is opened for signature) for signature on behalf of any Member State of the United Nations and on behalf of any non-member State to which an invitation has been addressed by the Economic and Social Council.

2. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The States mentioned in the first paragraph which have not signed the Convention by . . . (date indicated in the first paragraph) may accede to it.

Accession shall be effected by deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 35 Colonial clause

1. Any State may, at the time of signature, ratification or accession or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that the present Convention shall extend to all or any of the territories for the international relations of which it is responsible. This Convention shall extend to the territory or territories named in the notification as from the thirtieth day after the day of receipt by the Secretary-General of the United Nations of this notification.

2. Each State undertakes with respect to those territories to which the Convention is not extended at the time of signature, ratification or accession to take as soon as possible the necessary steps in order to extend the application of

this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the governments of such territories.

3. The Secretary-General of the United Nations shall communicate the present Convention to the States referred to in article 36 for transmission to the responsible authorities of:

- (a) Any Non-Self-Governing Territory administered by them;
- (b) Any Trust Territory administered by them;
- (c) Any other non-metropolitan territory for the international relations of which they are responsible.

Article 36 Reservations

(See the comment of the Committee on this article in Annex II).

Article 37 Entry into force

This Convention shall come into force on the ninetieth day following the day of deposit of the second instrument of ratification or accession.

For each State ratifying or acceding to the Convention after the deposit of the second instrument of ratification or accession, the Convention shall enter into force on the ninetieth day following the date of deposit by such State of its instrument of ratification or accession.

Article 38 Denunciation

- 1. Any Contracting State may denounce this Convention at any time by a written notification addressed to the Secretary-General of the United Nations.
- 2. Such denunciation shall take effect for the Contracting State concerned one year from the date upon which it is received by the Secretary-General of the United Nations.
- 3. Any Contracting State which has made a declaration under article 35, paragraph 1, may at any time thereafter, by a written notification to the Secretary-General of the United Nations, declare that the Convention shall cease to extend to such territory one year after the date of receipt of the notification by the Secretary-General.

Article 39 Revision

Any Contracting State may request revision of this Convention at any time by a written notification addressed to the Secretary-General of the United Nations.

The Economic and Social Council shall recommend the steps, if any, to be taken in respect of such request.

Article 40 Notifications by the Secretary-General

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-member States referred to in article 34:

- (a) Of signatures, ratifications and accessions received in accordance with article 34;
- (b) Of the date on which this Convention will come into force in accordance with article 37;
- (c) Of reservations made in accordance with article 36;
- (d) Of denunciations received in accordance with article 38;
- (e) Of requests for revision received in accordance with article 39.

In faith whereof the undersigned, duly authorized, have signed this Convention on behalf of their respective Governments, and of which the Chinese, English, French, Russian and Spanish official texts are equally authentic.

Done at _____ this _____ day of _____, in a single copy, which shall remain deposited in the archives of the United Nations, and certified true copies of which shall be delivered to all Members of the United Nations and to the non-member States referred to in article 34.

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Schedule (see article 23)

Paragraph 1 (3)

[footnote 1: The numbers in brackets refer to the articles of the London Agreement of 15 October 1946, set out on page 154 of document E/1112, which correspond in substance.]

1. The travel document referred to in article 23 of this Convention shall be similar to the specimen annexed hereto.
2. The document shall be made out in at least two languages – French, and the national language or languages of the authority with issues it.

Paragraph 2 (4)

Subject to the regulations obtaining in the country of issue, children may be included in the document of an adult refugee.

Paragraph 3 (5)

The fees charged for issue of the document shall not exceed the lowest scale of charges for national passports.

Paragraph 4 (6)

Save in special or exceptional cases, the document shall be made valid for the largest possible number of countries.

Paragraph 5 (7)

The document shall have a validity of either one or two years, at the discretion of the issuing authority.

Paragraph 6 (8)

1. The renewal or extension of the validity of the document is a matter for the authority which issued it, so long as the holder has not established lawful residence in another territory and resides lawfully in the territory of the said authority. The issue of a new document is, under the same conditions, a matter for the authority which issued the former document.

2. Diplomatic or consular authorities, specially authorized for the purpose, shall be empowered to extend, for a period not exceeding six months, the validity of travel documents issued by their Governments.

Paragraph 7 (9)

The Contracting States shall recognize the validity of the documents issued in accordance with the provisions of article 23 of this Convention.

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Paragraph 8 (10)

The competent authorities of the country to which the refugee desires to proceed shall, if they are prepared to admit him and if a visa is required, affix a visa on the document of which he is the holder.

Paragraph 9 (11)

The Contracting States undertake to issue transit visas to refugees who have obtained visas for the territory of final destination.

Paragraph 10 (12)

The fees for the issue of exit, entry or transit visas shall not exceed the lowest scale of charges for visas on foreign passports.

Paragraph 11 (13)

When a refugee has lawfully taken up residence in the territory of another Contracting State, the power to issue a new document will be transferred to the competent authority of that territory, to which the refugee shall be entitled to apply.

Paragraph 12 (14)

The authority issuing a new document shall withdraw the old document.

Paragraph 13 (15)

1. The document shall entitle the holder to leave the country where it has been issued and, during the period of validity of the document, to return thereto without a visa from the authorities of that country, subject to those laws and regulations which apply to the bearers of duly visaed passports. Where a visa is required of a returning national a visa may be required of a returning refugee but shall be issued to him on request and without delay.

2. The Contracting States reserve the right, in exceptional cases, or in cases where the refugee's stay is authorized for a specific period, when issuing the document, to limit the period during which the refugee may return to a period of not less than three months.

Paragraph 14 (16)

Subject only to the terms of paragraph 13, the provisions of this Schedule in no way affect the laws and regulations governing the conditions of admission to, transit through, residence and establishment in, and departure from, the territories of the Contracting States.

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Paragraph 15 (17)

Neither the issue of the document nor the entries made thereon determine or affect the status of the holder, particularly as regards nationality.

Paragraph 16 (18)

The issue of the document does not in any way entitle the holder to the protection of the diplomatic or consular authorities of the country of issue, and does not confer on these authorities a right of protection.

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Annex to the Schedule

Specimen Travel Document

The document will be in booklet form (approximately 15 x 10 centimetres).

It is recommended that it be so printed that any erasure or alteration by chemical or other means can be readily detected, and that the words "Convention of _____" be printed in continuous repetition on each page, in the language of the issuing country.

(Cover of booklet)

Travel document

(Convention of _____)

No. _____

(1)

Travel Document

(Convention of _____)

This document expires on _____ unless its validity is extended or renewed.

Name _____

Forename(s) _____

Accompanied by _____ child (children).

1. This document is issued solely with a view to providing the holder with a travel document which can serve in lieu of a national passport. It is without prejudice to and in no way affects the holder's nationality.

2. The holder is authorized to return to _____ [state here the country whose authorities are issuing the document] on or before _____ unless some later date is hereafter specified. [The period during which the holder is allowed to return must not be less than three months.]

3. Should the holder take up residence in a country other than that which issued the present document, he must, if he wishes to travel again, apply to the competent authorities of his country of residence for a new document.

(This document contains __ pages, exclusive of cover)

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(2)

Place and date of birth _____

Occupation _____

Present residence _____

*Maiden name and forename(s) of wife _____

*Name and forename(s) of husband _____

Description

Height _____

Hair _____

Colour of eyes _____

Nose _____

Shape of face _____

Complexion _____

Special peculiarities _____

Children accompanying holder

Name	Forename(s)	Place and date of birth	Sex
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

*Strike out whichever does not apply

(This document contains __ pages, exclusive of cover.)

(3)

Photograph of holder and stamp of issuing authority

Finger-prints of holder (if required)

Signature of holder _____

(This document contains __ pages, exclusive of cover.)

(4)

1. This document is valid for the following countries:

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2. Document or documents on the basis of which the present document is issued:

Issued at _____

Date _____

Signature and stamp of authority issuing the document:

Fee paid:

(This document contains __ pages, exclusive of cover.)

(5)

Extension or renewal of validity

Fee paid: From _____

To _____

Done at _____ Date _____

Signature and stamp of authority extending or renewing the validity of the document: _____

Extension or renewal of validity

Fee paid: From _____

To _____

Done at _____ Date _____

Signature and stamp of authority extending or renewing the validity of the document:

(This document contains __ pages, exclusive of cover.)

(6)

Extension or renewal of validity

Fee paid: From _____

To _____

Done at _____ Date _____

Signature and stamp of authority extending or renewing the validity of the document: _____

Extension or renewal of validity

Fee paid: From _____

To _____

Done at _____ Date _____

Signature and stamp of authority extending or renewing the validity of the document:

(This document contains __ pages, exclusive of cover.)

(7-32)

Visas

The name of the holder must be repeated in each visa.

(This document contains __ pages, exclusive of cover.)

Annex III

PROPOSED PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS

The Contracting States,

Considering that the Convention Relating to the Status of Refugees dated _____ deals only with refugees, whether stateless or not, who are the special concern of the United Nations, as evinced in numerous resolutions of the General Assembly, and

Considering, moreover, that there are many stateless persons not covered by the said Convention who do not enjoy any national protection and, pending a more special solution of the problem of such persons, it appears desirable to improve the status of these persons;

Now therefore undertake to apply, mutatis mutandis, the provisions of Articles 2 to 4, 6 to 11, 12 paragraphs 1, 13, 14 paragraphs 1, 15 to 23, 24 paragraphs 1 and 2, 27, 29 and 31 of the Convention Relating to the Status of Refugees, to stateless persons to whom that Convention does not apply.

This Protocol shall not apply to a person who was a member of a German minority in a country outside German and who is in Germany.

The standard final clauses follow.

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Annex IV

COMMENTS ON THE PROPOSED DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS

1. While the Committee hoped that the draft protocol would meet general approval by Governments and that reservations might be few, it nevertheless realized that special circumstances might prevent some Governments from accepting its provisions in full.
2. The Committee intended that the extension to stateless persons of provisions concerning refugees (who may enjoy, under the terms of the draft convention, treatment equal to and in some respects more favourable than that accorded to other aliens) shall not be interpreted as excluding stateless persons from the operation of any quotas governing the admission of aliens to certain types of paid or unpaid professional work.

Part II: Preparatory Work to the 1954 Conference of Plenipotentiaries

6 August 1954 Memorandum by the Secretary-General

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

CONFERENCE OF PLENIPOTENTIARIES ON STATUS OF STATELESS PERSONS

E/CONF.17/3 6 August 1954

THE DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS

Memorandum by the Secretary-General

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CHAPTER I

Introduction

1. The Commission on Human Rights at its second session (Geneva, 1947) expressed the wish (E/600, para. 46) “that early consideration be given by the United Nations to the legal status of persons who do not enjoy the protection of any Government, in particular pending the acquisition of nationality, as regards their legal and social protection and their documentation.” Accordingly, the Economic and Social Council, in resolution 116 D (VI), requested the Secretary-General, in consultation with interested commissions and specialized agencies, to study the subject and to make appropriate recommendations to the Council. After considering the Secretary-General’s study [footnote 1] at its ninth session, the Council by resolution 248 B (IX) of 8 August 1949 appointed an *Ad Hoc* Committee on Refugees and Stateless Persons, consisting of representatives of thirteen Governments. The *Ad Hoc* Committee held two sessions (16 January to 16 February 1950 and 14 to 25 August 1950); it prepared and submitted to the Economic and Social Council a draft convention on the status of refugees (E/1850, Annex I) and a draft protocol relating to the status of stateless persons (E/1850, Annex II). The Council, by resolution 319 B (XI) of 16 August 1950, submitted the *Ad Hoc* Committee’s report to the General Assembly.

[footnote 1: “A Study of Statelessness” (E/1112 and Add.1, Sales No. 1949: XIV: 2)]

2. The General Assembly, by resolution 429 (V) of 14 December 1950, decided “to convene in Geneva a conference of plenipotentiaries to complete the drafting of and to sign both the Convention relating to the Status of Refugees and the Protocol relating to the Status of Stateless Persons.”

3. The United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, held at Geneva from 2 to 25 July 1951, had before it the two draft instruments prepared by the *Ad Hoc* Committee on Refugees and Stateless Persons, the draft of a preamble prepared by the Economic and Social Council (resolution 319 B II (XI)), and the draft of Article 1 of the Convention (definition of the term “refugee”) recommended by the General Assembly (resolution 429 (V), Annex). The Conference adopted and opened for signature,

on 28 July 1951, the Convention Relating to the Status of Refugees (A/CONF.2/108 and Corr.1). With respect to the draft protocol relating to the status of stateless persons, however, the Conference decided not to take a decision on the subject and referred the draft protocol back to the appropriate organs of the United Nations for further study (A/CONF.2/108, Section III).

4. The General Assembly, by resolution 629 (VII) of 6 November 1952, requested the Secretary-General to communicate the provisions of the draft protocol to all the Governments invited to attend the Conference, with a request for their comments, in particular on those provisions of the Convention on the Status of Refugees which they would be prepared to apply to the various categories of stateless persons.

5. The General Assembly, by the same resolution, requested the Economic and Social Council to study the text of the draft protocol and the comments received from interested governments and, in the light of these comments, to take whatever action seemed useful in order that a text might be opened for signature after the Convention relating to the Status of Refugees had come into force.

6. The Convention entered into force on 22 April 1954.

7. The Economic and Social Council, at its seventeenth session, considered a report on this question submitted by the Secretary-General (E/2528 and E/2528/Corr.1, English only) and comments received from the following governments:

Belgium	(E/2373)
Dominican Republic	(E/2373/Add.1)
Finland	(E/2373/Add.2)
France	(E/2373/Add.4 and Add.4/Corr.1, English only)
Iran	(E/2373/Add.8)
Japan	(E/2373/Add.3)
Netherlands	(E/2373/Add.13)
Norway	(E/2373/Add.14)
Pakistan	(E/2373/Add.10)
Sweden	(E/2373/Add.6)
Switzerland	(E/2373/Add.12)
Union of South Africa	(E/2373/Add.9)
United Kingdom of Great Britain and Northern Ireland	(E/2373/Add.11)
United States of America	(E/2373/Add.5)

8. On 26 April 1954 the Council adopted resolution 526 A (XVII) which reads as follows:

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The Economic and Social Council,

Noting that there exist a certain number of persons not covered by domestic nationality law and designated by the term “stateless persons”,

Considering that the General Assembly decided by its resolution 429 (V) to convene a conference of plenipotentiaries to complete the drafting of and to sign both the Convention relating to the Status of Refugees and the Protocol relating to the Status of Stateless Persons;

Considering that the aforesaid conference, which was held at Geneva in July 1951, adopted and opened for signature the Convention relating to the Status of Refugees, but decided to take no decision on the draft Protocol and referred the latter for further study to the appropriate United Nations organs,

Considering that the General Assembly, in resolution 629 (VII), requested the Secretary-General to communicate the provisions of the draft Protocol to all the governments invited to the Conference of Plenipotentiaries with a request for their comments, and that in their comments a number of governments advocated the adoption and opening for signature of a revised text,

Considering that the Assembly, in resolution 629 (VII), also requested the Council to take, in the light of these comments, whatever action seemed useful in order that a text might be opened for signature after the Convention relating to the Status of Refugees had entered into force, and that the latter Convention entered into force on 22 April 1954,

Having consulted the Secretary-General as prescribed in General Assembly resolution 366 (IV) approving the rules for the calling of international conferences of States,

1. Decides:

(a) That a second conference of plenipotentiaries should be convened, and that the agenda of the conference should include the following items:

(i) The revision of the draft Protocol relating to the Status of Stateless Persons, in the light of the provisions of the Convention relating to the Status of Refugees of 28 July 1951 and of the observations made by the Governments concerned;

(ii) Adoption of the revised Protocol and opening of the Protocol for signature by all States Members of the United Nations and by non-Member States invited to attend the first Conference of Plenipotentiaries held at Geneva in 1951;

(b) That invitations to attend the second conference of plenipotentiaries should be extended to all States invited to attend the first Conference;

2. Requests the Secretary-General to make all necessary arrangements for the calling of the second conference of plenipotentiaries, in accordance with the terms of General Assembly resolution 366 (IV) and of the present resolution.

CHAPTER II

The draft Protocol and comments thereon

9. The text of the draft Protocol, as prepared by the *Ad Hoc* Committee on Refugees and Stateless Persons (E/1850, Annex II), reads as follows:

The Contracting States,

Considering that the Convention relating to the Status of Refugees dated deals only with refugees, whether stateless or not, who are the special concern of the United Nations, as evinced in numerous resolutions of the General Assembly, and

Considering, moreover, that there are many stateless persons not covered by the said Convention who do not enjoy any national protection and, pending a more special solution of the problem of such persons, it appears desirable to improve the status of these persons,

Now therefore undertake to apply, *mutatis mutandis*, the provisions of Articles 2 to 4, 6 to 11, 12(1), 13, 14(1), 15 to 23, 24(1) and (2), 27, 29 and 31 of the _____ Convention relating to the Status of Refugees, to stateless persons to whom that Convention does not apply.

This protocol shall not apply to persons referred to in paragraph 5 of part B of article 1 of said Convention. [footnote 1: See paragraph 27 below.]

The standard final clauses follow.

10. Replies were received from fifteen Governments (E/2373 and Add.1-14) to the request for comments on the provisions of the Convention on the Status of Refugees which they would be prepared to apply to stateless persons requested under resolution 629 (VII) of the General Assembly. They are very briefly summarized below:

11. The Government of Belgium does not consider that there are grounds for granting stateless persons the privileged treatment laid down by the Convention but would “be prepared to guarantee then the treatment enjoyed in Belgian

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territory by aliens in general.” The Government of Iran states that it is at present revising its nationality laws and “will bear the question of statelessness in mind.” The Government of the United States indicates that stateless persons residing in the United States are treated no less favourably than any other aliens similarly situated and that they may be naturalized as American citizens on the same basis as other aliens.

12. The Government of the Dominican Republic “considers that in view of the humanitarian considerations on which the Convention relating to refugees is based, it is natural that, as a general rule, the benefits of that international instrument should be extended also to stateless persons.” The Government of Finland has no objection that “the certain provisions of the Convention, as mentioned in the draft protocol, be in general applied, *mutatis mutandis*, to persons being stateless and yet not refugees.” The Government of the Netherlands can agree in principle with the application to stateless persons of the provisions of the Convention mentioned in the draft protocol “in so far as these provisions are susceptible of application to such stateless persons”; it makes reservations in respect of certain categories of former Netherlands who have become stateless and in respect of the application of Articles 26 and 27 to stateless persons. The Government of Pakistan would have no objection to applying to stateless persons all the provisions of the Convention which it is proposed to apply to them; but it would not be in favour of applying Article 31. The Government of Switzerland considers that the application of the Convention to stateless persons in general would represent an extension of the concept of refugee laid down in Article 1 of that Convention but “does not at the present time see any reason why this concept should not also be applied to stateless persons, and especially to those who are connected with Switzerland by virtue of a prolonged

residence in that country, family ties, or some other reason.”

13. The Government of the United Kingdom sees no objection in principle to applying the provisions of the Convention to stateless persons who are not refugees “in so far as these provisions are susceptible of application to such stateless persons”; it would have no difficulty in applying, *mutatis mutandis*, to stateless persons the provisions listed in the draft protocol or in applying

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Articles 4, 8, 11, 17(2) and (3), 19(2), 30 and 33 which are not listed in the draft protocol; it considers articles 9 and 31 to be inappropriate to stateless persons.

14. The Government of France has no objection of principle to the draft protocol; it proposes a revised text of the protocol, according to which the provisions of Articles 2 to 4, 10 to 15, 17(1), 18 to 22, 25 to 27, 29(1) and (2), and 34 of the Convention would be applicable, *mutatis mutandis*, to stateless persons; it further suggests that the draft protocol should include a definition of the term “stateless persons”; it does not propose the application of Articles 23, 24, 31 and 32 to stateless persons.

15. The Government of Japan is prepared to apply, *mutatis mutandis*, the provisions of articles 2 to 7, 9 to 16, 17(1), 18, 19(1), 20 to 29, 32 and 34.

16. The Government of Norway could apply without reservation articles 10, 12, 14, 16, 21, 22, 25, 26, 29, 32 and 34 of the Convention to stateless persons; it could apply articles 4 and 9 without difficulty, and Articles 11, 17, 23, 24, 27, 28 and 30 under certain reservations; it is of the opinion that Articles 31 and 33 should not be applied to stateless persons.

17. The Government of Sweden “regrets not to be able at this stage to state to what extent the Convention might possibly on the part of Sweden be applied also to stateless persons.” The Government of Yugoslavia refrains from making comments on the draft protocol in view of the fact “that the question of stateless persons in Yugoslavia has been successfully solved by the positive measures taken by its Government and its jurisdiction.”

18. The Government of the Union of South Africa states that “as some of the provisions of the Final Act and the Convention relating to the Status of Refugees would limit the Government of the Union of South Africa's power of action under the existing Immigration Laws in respect of stateless admitted to the Union and refugees who might in future find their way to the Union, the Union Government would find themselves unable to agree to the signature of the Protocol

on Stateless Persons or accession to the Convention relating to the Status of Refugees.”

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CHAPTER III

Revision of the Draft Protocol

19. The Conference has been requested by the Economic and Social Council to revise the draft protocol relating to the Status of Stateless Persons in the light of the provisions of the Convention relating to the Status of Refugees of 28 July 1951 and of the observations made by governments.

20. The numbers of the articles enumerated in the draft Protocol are those of draft Convention prepared in 1950 by the *Ad Hoc* Committee on Refugees and Stateless Persons. The United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, convened in July 1951, revised and renumbered the articles of the draft Convention and added certain new provisions. The present Conference will need to review the list of articles in the draft Protocol, and to consider whether any of the new provisions should be added.

21. In order to assist the Conference in its task, the provisions of the draft Protocol and the articles of the Convention are briefly annotated on the following pages.

A. Preamble

22. The draft Protocol contains two preambular paragraphs which read as follows:

“The Contracting States,

“Considering that the Convention relating to the Status of Refugees dated (28 July 1951) deals only with refugees, whether stateless or not, who are the special concern of the United Nations, as evinced in numerous resolutions of the General Assembly, and

“Considering, moreover, that there are many stateless persons not covered by the said Convention who do not enjoy any national protection and, pending a more special solution of the problem of such persons, it appears desirable to improve the status of these persons.”

23. The Government of France submitted a revised text of the Preamble which contains the following three paragraphs:

“The Contracting States,

“Noting the existence of a number of persons, not covered by any domestic nationality law and designated by the term ‘stateless persons,’

“Considering that the Convention relating to the Status of Refugees dated 28 July 1951 deals only with refugees, whether stateless or not,

“Considering moreover that there are many stateless persons who are not covered by the said Convention and whose status it appears desirable to improve.”

24. The Conference may wish to take up the Preamble to the draft Protocol after it has adopted the substantive provisions thereof.

B. The Question of definition

25. Article 1 of the Convention contains a definition of the term “refugee.” The Governments of France and Norway express the opinion that a definition of the term “stateless persons” may usefully be included in the Protocol. It will be noted that the first paragraph of the Preamble submitted by France characterizes stateless persons as those “who are not covered by any domestic nationality law.”

26. Attention is drawn to a definition of the term “stateless persons” in a report on Nationality, including Statelessness (A/CN.4/50), submitted by a Special Rapporteur of the International Law Commission.

“Stateless persons in the legal sense of the term are persons who are not considered as nationals by any State according to its law.”

27. It will be noted that the final substantive paragraph of the draft protocol refers to one of the elements of the definition of the term “refugee” in Article 1 of the draft Convention.

“This Protocol shall not apply to persons referred to in paragraph 5 of Part B of Article 1 of the said Convention.”

The reference is to a provision which appeared in the draft Convention (E/1850, para. 14) and which reads as follows:

“B. This Convention shall not apply to any refugee enjoying the protection of a Government because:

“...

“(5) As a former member of a German minority, he has established himself in Germany or is living there.”

In the final text of the Convention this provision was replaced by the following text (Article 1, Part E):

“E. This Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.”

C. Substantive Provisions

28. The operative part of the draft Protocol reads:

“Now therefore undertake to apply, *mutatis mutandis* [footnote 1] the provisions of Articles 2 to 4, 6 to 11, 12(1), 13, 14(1), 15 to 23, 24(1) and (2), 27, 29 and 31 of the Convention relating to the Status of Refugees, to stateless persons to whom that Convention does not apply.”

[Footnote 1: With respect to “mutatis mutandis application” the World Jewish Congress (an organization in consultative status category B with the Economic and Social Council) in a statement submitted to the Council (E/C.2/385), would “appear more appropriate to provide in the Protocol simply that the provisions of the relevant articles of the Convention are to be applied to non-refugee stateless persons in the same way as they are applied to refugees as defined in Art. 1 of the Convention, who are stateless persons.”]

29. The operative part of the revised text submitted by France reads:

“Undertake to apply, *mutatis mutandis*, the provisions of Articles 2 to 4, 10 to 15, 17 (paragraph 1), 18 to 22, 25 to 27, 29 (paragraphs 1 and 2), and 34 of the said Convention to stateless persons to whom the Convention does not apply.”

30. The numbers of the articles enumerated in the draft Protocol are those of the draft Convention prepared in 1950, while those enumerated in the revised text proposed by France are those of the Convention as adopted in 1951. The text of each substantive article of the Convention is quoted below and an indication given

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as to whether the draft protocol provides for its application, *mutatis mutandis*, to stateless persons. The observations of governments which are in favour of applying to stateless persons the provisions enumerated in the draft Protocol are not repeated; only those not in favour of applying these provisions and any reservations thereto are noted. In the case of articles which were not enumerated in the draft Protocol, any views expressed regarding their application to stateless persons have been indicated. Since the Government of France has submitted a revised text of the draft Protocol, an indication is given in each case where this text differs from the draft Protocol with respect to the articles included.

31. Article 2 of the Convention reads:

“General obligations

“Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.”

An article on this subject appeared in the draft Convention as Article 2. The draft Protocol provides for its application, *mutatis mutandis*, to stateless persons.

32. Article 3 of the Convention reads:

“Non-discrimination

“The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.”

An article on this subject appeared in the draft Convention as Article 3. The draft protocol provides for its application, *mutatis mutandis*, to stateless persons.

33. Article 4 of the Convention reads:

“Religion

“The Contracting States shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practice their religion and freedom as regards the religious education of their children.”

No article on this subject appeared in the draft Convention. France proposes, in its revised text of the Protocol, that Article 4 be applied to stateless persons.

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Japan lists Article 4 among the provisions to be applied to stateless persons. Norway and the United Kingdom consider that, Article 4 could be applied to stateless persons without difficulty.

34. Article 5 of the Convention reads:

“Rights Granted Apart from this Convention

“Nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to refugees apart from this Convention.”

An article on this subject appeared in the draft Convention as Article 3A. The draft Protocol provides for its application, *mutatis mutandis*, to stateless persons. France does not propose, in its revised text of the Protocol, that Article 5 be applied to stateless persons.

35. Article 6 of the Convention reads:

“The term ‘in the same circumstances’

“For the purpose of this Convention, the term ‘in the same circumstances’ implies that any requirements (including requirements as to length and conditions of sojourn or residence) which the particular individual would have to fulfil for the enjoyment of the right in question, if he were not a refugee, must be fulfilled by him, with the exception of requirements which by their nature a refugee is incapable of fulfilling.”

An article on this subject appeared in the draft Convention as Article 3B. The draft Protocol provides for its application, *mutatis mutandis*, to stateless persons. France does not propose, in its revised text of the Protocol, that Article 6 be applied to stateless persons.

36. Article 7 of the Convention reads:

“Exemption from reciprocity

“1. Except where this Convention contains more favourable provisions, a Contracting State shall accord to refugees the same treatment as is accorded to aliens generally.

“2. After a period of three years’ residence, all refugees shall enjoy exemption from legislative reciprocity in the territory of the Contracting States.”

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“3. Each Contracting State shall continue to accord to refugees the rights and benefits to which they were already entitled, in the absence of reciprocity, at the date of entry into force of this Convention for that State.

“4. The Contracting States shall consider favourably the possibility of according to refugees, in the absence of reciprocity, rights and benefits beyond those to which they are entitled according to paragraphs 2 and 3, and to extending exemption from reciprocity to refugees who do not fulfil the conditions provided for in paragraphs 2 and 3.

“5. The provisions of paragraphs 2 and 3 apply both to the rights and benefits referred to in Articles 13, 18, 19, 21 and 22 of this Convention and to rights and benefits for which this Convention does not provide.”

An article on this subject appeared in the draft Convention as Article 4. The draft Protocol provides for its application, *mutatis mutandis*, to stateless persons. France does not propose, in its revised text of the Protocol, that Article 7 be applied to stateless persons.

37. Article 8 of the Convention reads:

“Exemption from exceptional measures

“With regard to exceptional measures which may be taken against the person, property or interests of nationals of a foreign State, the Contracting States shall not apply such measures to a refugee who is formally a national of the said State solely on account of such nationality. Contracting States which, under their legislation, are prevented from applying the general principle expressed in this article shall, in appropriate cases, grant exemptions in favour of such refugees.”

An article on this subject appeared in the draft Convention as Article 5, para. 1, but the draft Protocol does not provide for its application, *mutatis mutandis*, to stateless persons. The United Kingdom states that it would have no difficulty in applying Article 8 to stateless persons.

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38. Article 9 of the Convention reads:

“Provisional measures

“Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State that that person is in fact a refugee and that the continuance of such measures is necessary in his case in the interests of national security.”

An article on this subject appeared in the draft Convention as Article 5, para. 2, but the draft Protocol does not provide for its application, *mutatis mutandis*, to stateless persons. Japan lists Article 9 among the provisions to be applied to stateless persons. Norway considers that Article 9 could be applied to stateless persons without difficulty. The United Kingdom states that Article 9 would appear, by its terms, “to be inappropriate to stateless persons as such and, in the view of Her Majesty’s Government, ought not to be included among the articles to be applied by the Protocol.”

39. Article 10 of the Convention reads:

“Continuity of residence

“1. Where a refugee has been forcibly displaced during the Second World War and removed to the territory of a Contracting State and is resident there, the period of such enforced sojourn shall be considered to have been lawful residence within that territory.

“2. Where a refugee has been forcibly displaced during the Second World War from the territory of a Contracting State and has, prior to the date of entry into force of this Convention, returned there for the purpose of taking up residence, the period of residence before and after such enforced displacement shall be regarded as one uninterrupted period for any purposes for which uninterrupted residence is required.”

An article on this subject appeared in the draft Convention as Article 6. The draft Protocol provides for its application, *mutatis mutandis*, to stateless persons.

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40. Article 11 of the Convention reads:

“Refugee seamen

“In the case of refugees regularly serving as crew members on board a ship flying the flag of a Contracting State, that State shall give sympathetic consideration to their establishment on its territory and the issue of travel documents to them or their temporary admission to its territory particularly with a view to facilitating their establishment in another country.”

No article on this subject appeared in the draft Convention. France proposed, in its revised text of the Protocol, that Article 11 be applied to stateless persons. Japan lists Article 11 among the provisions to be applied to stateless persons. Norway states that “the application of this provision to stateless persons would necessitate a reservation to the effect that it would be a pre-condition for the sympathetic consideration of applications mentioned in the said provision that the stateless person concerned is able to document satisfactory service on board a Norwegian ship of at least three years' duration.” The United Kingdom states that it would have no difficulty in applying Article 11 to stateless persons.

41. Article 12 of the Convention reads:

“Personal status

“1. The personal status of a refugee shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.

“2. Rights previously acquired by a refugee and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the formalities required by the law of that State, provided that the right in question is one which would have been recognized by the law of that State had he not become a refugee.”

An article on this subject appeared in the draft Convention as Article 7. The draft Protocol provides for its application, *mutatis mutandis*, to stateless persons.

42. Article 13 of the Convention reads:

“Movable and immovable property

“The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.”

An article on this subject appeared in the draft Convention as Article 8. The draft Protocol provides for its application, *mutatis mutandis*, to stateless persons.

43. Article 14 of the Convention reads:

“Artistic rights and industrial property

“In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic and scientific works, a refugee shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that country. In the territory of any other Contracting State, he shall be accorded the same protection as is accorded in that territory to nationals of the country in which he has his habitual residence.”

An article on this subject appeared in the draft Convention as Article 9. The draft Protocol provides for its application, *mutatis mutandis*, to stateless persons. Attention is drawn to Protocol 1 annexed to the Universal Copyright Convention of 6 September 1952, which provides, *inter alia*, that “Stateless persons and refugees who have their habitual residence in a State party to this Protocol shall, for the purposes of the Convention, be assimilated to the nationals of that State.”

44. Article 15 of the Convention reads:

“Right of association

“As regards non-political and non-profit-making associations and trade unions the Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country, in the same circumstances.”

An article on this subject appeared in the draft Convention as Article 10. The draft Protocol provides for its application, *mutatis mutandis*, to stateless persons.

45. Article 16 of the Convention reads:

“Access to Courts

“1. A refugee shall have free access to the courts of law on the territory of all Contracting States.

“2. A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the Courts, including legal assistance and exemption from *cautio judicatum solvi*.

“3. A refugee shall be accorded in the matters referred to in paragraph 2 in countries other than that in which he has his habitual residence the treatment granted to a national of the country of his habitual residence.”

An article on this subject appeared in the draft Convention as Article 11. The draft Protocol provides for its application, *mutatis mutandis*, to stateless persons. France does not propose, in its revised text of the Protocol, that Article 16 be applied to stateless persons.

46. Article 17 of the Convention reads:

“Wage-earning Employment

“1. The Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.

“2. In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions:

“(a) He has completed three years’ residence in the country;

“(b) He has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefit of this provision if he has abandoned his spouse;

“(c) He has one or more children possessing the nationality of the country of residence.

“3. The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals, and in particular of those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.”

An article on this subject appeared in the draft Convention as Article 12. The draft Protocol provides for the application of paragraph 1 of Article 12 of the draft Convention, *mutatis mutandis*, to stateless persons. The draft Protocol does not provide for the application to stateless persons of paragraphs 2 or 3. Norway states that Article 17 could be applied to stateless persons with the reservation made by the Norwegian Government with regard to refugees. [footnote 1] The United Kingdom states that it would have no difficulty in applying paragraphs 2 and 3 as well as paragraph 1 of Article 17 to stateless persons.

47. Article 18 of the Convention reads:

“Self-employment

“The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.”

An article on this subject appeared in the draft Convention as Article 13. The draft Protocol provides for its application, *mutatis mutandis*, to stateless persons.

[footnote 1: The Norwegian reservation to Article 17 of the Convention Relating to the Status of Refugees reads as follows: “The obligations stipulated in Article 17, ‘to accord to refugees lawfully staying in the country the most favourable treatment accorded to nationals of a foreign country in the same circumstances as regards the right to engage in wage-earning employment,’ shall not be construed as extending to refugees the benefits of agreements which may in the future be concluded between Norway, Denmark, Finland, Iceland, and Sweden, or between Norway and any one of these countries, for the purpose of establishing special conditions for the transfer of labour between these countries.”]

48. Article 19 of the Convention reads:

“Liberal professions

“1. Each Contracting State shall accord to refugees lawfully staying in their territory who hold diplomas recognized by the competent authorities of that State, and who are desirous of practising a liberal profession, treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

“2. The Contracting States shall use their best endeavours consistently with their laws and constitutions to secure the settlement of such refugees in the territories, other than the metropolitan territory, for whose international relations they are responsible.”

An article on this subject appeared in the draft Convention as Article 14. The draft Protocol provides for the application of paragraph 1 of Article 14 of the draft convention, *mutatis mutandis*, to stateless persons. The draft protocol does not provide for the application to stateless persons of paragraph 2. France proposes, in its revised text of the Protocol, that Article 19 be applied to stateless person. The United Kingdom states that it would have no difficulty in applying paragraph 2 as well as paragraph 1 of Article 19 to stateless persons.

49. Article 20 of the Convention reads:

“Rationing

“Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, refugees shall be accorded the same treatment as nationals.”

An article on this subject appeared in the draft Convention as Article 15. The draft Protocol provides for its application, *mutatis mutandis*, to stateless persons.

50. Article 21 of the Convention reads:

“Housing

“As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and,

in any event, not less favourable than that accorded to aliens generally in the same circumstances.”

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An article on this subject appeared in the draft Convention as Article 16. The draft Protocol provides for its application, *mutatis mutandis*, to stateless persons.

51. Article 22 of the Convention reads:

“Public education

“1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.

“2. The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education, and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.”

An article on this subject appeared in the draft Convention as Article 17. The draft Protocol provides for its application, *mutatis mutandis*, to stateless persons.

52. Article 23 of the Convention reads:

“Public relief

“The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to relief and assistance as is accorded to their nationals.”

An article on this subject appeared in the draft Convention as Article 18. The draft Protocol provides for its application, *mutatis mutandis*, to stateless persons. France does not propose, in its revised text of the Protocol, that Article 23 be applied to stateless persons and states that “Article 23 (Public Relief) and Article 24 (Social Security) of the Convention Relating to the Status of Refugees accord extremely favourable treatment to refugees; although it has been considered possible, in France, to accord such treatment to persons whose position is particularly difficult as a result of circumstances in which they left countries of origin, there are not the same reasons for extending it to stateless persons, to whom the regulations governing aliens in general can be applied without difficulty.” Norway states that

certain reservations would probably to be made with regard to Article 23. Attention is drawn to Economic and Social Council

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resolutions 309 B (XI) and 390 G (XIII) which recommend that Governments accord to indigent aliens the same measures of public assistance as those accorded to their nationals.

53. Article 24 of the Convention reads:

“Labour legislation and social security

“1. The Contracting States shall accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals in respect of the following matters:

“(a) In so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities: remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age of employment, apprenticeship and training, women’s work and the work of young persons, and the enjoyment of the benefits of collective bargaining;

“(b) Social security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme) subject to the following limitations:

“(i) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;

“(ii) National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension.

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“2. The right to compensation for the death of a refugee resulting from employment injury or from occupational disease shall not be affected by the fact that the

residence of the beneficiary is outside the territory of the Contracting State.

“3. The Contracting States shall extend to refugees the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.

“4. The Contracting States will give sympathetic consideration to extending to refugees so far as possible the benefits of similar agreements which may at any time be in force between such Contracting States and non-contracting States.”

An article on this subject appeared in the draft Convention as Article 19. The draft Protocol provides for its application, *mutatis mutandis*, to stateless persons. France does not propose, in its revised text of the Protocol, that Article 24 be applied to stateless persons, and states its reasons for not doing so (see preceding paragraph). Norway states that certain reservations would probably have to be made with regard to Article 24.

54. Article 25 of the Convention reads:

“Administrative assistance

“1. When the exercise of a right by a refugee would normally require the assistance of authorities of a foreign country to whom he cannot have recourse, the Contracting States in whose territory he is residing shall arrange that such assistance be afforded to him by their own authorities or by an international authority.

“2. The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered under their supervision to refugees such documents or certifications as would normally be delivered to aliens by or through their national authorities.

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“3. Documents or certifications so delivered shall stand in the stead of the official instruments delivered to aliens by or through their national authorities, and shall be given credence in the absence of proof to the contrary.

“4. Subject to such exceptional treatment as may be granted to indigent persons, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services.

“5. The provisions of this article shall be without prejudice to articles 27 and 28.”

An article on this subject appeared in the draft Convention as Article 20. The draft Protocol provides for its application, *mutatis mutandis*, to stateless persons.

55. Article 26 of the Convention reads:

“Freedom of movement

“Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.”

An article on this subject appeared in the draft Convention as Article 21. The draft Protocol provides for its application, *mutatis mutandis*, to stateless persons. The Netherlands states that with reference to the application of Article 27, the Netherlands Government reserve “the right, in the interest of public order, to assign a certain place of residence to stateless persons.”

56. Article 27 of the Convention reads:

“Identity papers

“The Contracting States shall issue identity papers to any refugee in their territory who does not possess a valid travel document.”

An article on this subject appeared in the draft Convention as Article 22. The draft Protocol provides for its application *mutatis mutandis*, to stateless persons. The Netherlands states that with reference to the application of Article 27, the Netherlands Government “wish to point out that this particle article was based on the principle that the issuance of identification papers leaves intact the right of each State to regulate the admission and residence of refugees. When applying this article also to stateless persons the Netherlands Government consider the above-mentioned principle to be equally valid.” Norway states that, “As far as Articles 27 and 28 are concerned, the Norwegian Government is of the view that these articles

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should only be made applicable to stateless persons who are resident in the territory of Norway. Incidentally, this is also a requirement for the issue of a Norwegian certificate of identity and travel according to regulations now in force.”

57. Article 28 of the Convention reads:

“Travel documents

“1. The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require, and the provisions for the Schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such a travel document to any other refugee in their territory; they shall in particular give sympathetic consideration to the issue of such a travel document to refugees in their territory who are unable to obtain a travel document from the country of their lawful residence.

“2. Travel documents issued to refugees under previous international agreements by parties thereto shall be recognized and treated by the Contracting States in the same way as if they had been issued pursuant to this article.”

An article on this subject appeared in the draft Convention as Article 23. The draft Protocol provides for its application, *mutatis mutandis*, to stateless persons. France does not propose, in its revised text of the Protocol, that Article 28 be applied to stateless persons. The comment of Norway on Article 28 is reproduced in the preceding paragraph.

58. Article 29 of the Convention reads:

“Fiscal charges

“1. The Contracting States shall not impose upon refugees duties, charges or taxes, of any description whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.

“2. Nothing in the above paragraph shall prevent the application to refugees of the laws and regulations concerning charges in respect of the issue to aliens of administrative documents including identity papers.”

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An article on this subject appeared in the draft convention as Article 24, which contained three paragraphs. The draft protocol provides for the application of paragraphs 1 and 2 of Article 24 of the draft convention, *mutatis mutandis*, to stateless persons, but does not provide for the application to stateless persons of paragraph 3, which has been deleted from the final text of the convention.

59. Article 30 of the Convention reads:

“Transfer of assets

“1. A Contracting State shall, in conformity with its laws and regulations, permit refugees to transfer assets which they have brought into its territory, to another country where they have been admitted for the purposes of resettlement.

“2. A Contracting State shall give sympathetic consideration to the application of refugees for permission to transfer assets wherever they may be and which are necessary for their resettlement in another country to which they have been admitted.”

An article on this subject appeared in the draft convention as Article 25. The draft protocol does not provide for its application, *mutatis mutandis*, to stateless persons. Norway states that: “Article 30 could also be applied to stateless persons provided that the article be interpreted to the effect that the unrestricted right, according to paragraph 1 of the article, to transfer assets to another country is confined to assets which the stateless person concerned brought into the country in connexion with his arrival in Norway and that all other assets should be treated in conformity with paragraph 2 of the said article.” The United Kingdom states that it would have no difficulty in applying Article 30 to stateless persons.

60. Article 31 of the Convention reads:

“Refugees unlawfully in the country of refuge

“1. The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

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“2. The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.”

An article on this subject appeared in the draft convention as Article 26. The draft protocol does not provide for its application, *mutatis mutandis*, to stateless persons. France, Norway, Pakistan and the United Kingdom do not consider that Article 31 should be applied to stateless persons.

61. Article 32 of the Convention reads:

“Expulsion

“1. The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.

“2. The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.

“3. The Contracting States shall allow such a refugee a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.”

An article on this subject appeared in the draft convention as Article 27. The draft protocol provides for its application, *mutatis mutandis*, to stateless persons. France does not consider that Article 32 should be applied to stateless persons.

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62. Article 33 of the Convention reads:

“Prohibition of expulsion or return (“refoulement”)

“1. No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

“2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.”

An article on this subject appeared in the draft convention as Article 28, but the draft protocol does not provide for its application, *mutatis mutandis*, to stateless persons. The United Kingdom states that it would have no difficulty in applying Article 33 to stateless persons.

63. Article 34 of the Convention reads:

“Naturalization

“The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.”

An article on this subject appeared in the draft convention as Article 29. The draft protocol provides for its application, *mutatis mutandis*, to stateless persons.

64. Article 35 of the Convention reads:

“Co-operation of the national authorities with the United Nations

“1. The Contracting States undertake to co-operate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention.

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“2. In order to enable the Office of the High Commissioner or any other agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the Contracting States undertake to provide them in the appropriate form with information and statistical data requested concerning:

“(a) the condition of refugees,

“(b) the implementation of this Convention, and

“(c) laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.”

An article on this subject appeared in the draft convention as Article 30, but the draft protocol does not provide for its application, *mutatis mutandis*, to stateless

persons.

65. Article 36 of the Convention reads:

“Information on national legislation

“The Contracting States shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of this Convention.”

This article was adopted by the 1951 Conference in place of Article 31 of the draft convention, which read:

“Each of the Contracting States shall, within reasonable time and in accordance with its Constitution, adopt legislative or other measures to give effect to the provisions of this Convention, if such measures are not already in effect.”

The draft Protocol provided for the application of this article to stateless persons.

66. Article 37 of the Convention reads:

“Relation to previous conventions

“Without prejudice to article 28, paragraph 2, of this Convention, this Convention replaces, as between parties to it, the Arrangements of 5 July 1922, 31 May 1924, 12 May 1926, 30 June 1928 and 30 July 1935, the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 and the Agreement of 15 October 1946.”

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An article on this subject appeared in the draft convention as Article 32, but the draft protocol does not provide for its application, *mutatis mutandis*, to stateless persons.

D. Final clauses

67. The draft Protocol does not contain any final clauses; it merely states that: “The standard final clauses follow.” The same statement appears in the revised text of the Protocol submitted by France (E/2373/Add.4). The United Kingdom (E/2373/Add.11) comments that “it is assured that the standard final articles referred to... will be identical in form with those contained in the Convention on the

Status of Refugees.”

68. It would appear therefore that two possible courses of action are open to the Conference. It could adapt the final clauses of the Convention to the Protocol, or it could draft a new set of final clauses. Should the first course be adopted, consideration should be given to the changes which would need to be made to the final clauses of the Convention in order to make them applicable to the Protocol.

69. The final clauses of the Convention will be found in articles 38-46. If the Conference considers that Article 38 (Settlement of Disputes), Article 40 (Territorial Application Clause), Article 41 (Federal Clause), Article 44 (Denunciation), Article 45 (Revision) and Article 46 (Notifications by the Secretary-General of the United Nations) may be applied to the Protocol, the following text of a draft article may be used as a basis of discussion:

Article A

Application of certain final clauses of the Convention of 28 July 1951 relating to the Status of Refugees

Matters concerning the settlement of disputes relating to the interpretation or application of this Protocol, its territorial application, the obligations hereunder of a Federal or non-unitary State, its denunciation, its revision and the notifications to be made hereunder by the Secretary-General of the United Nations shall be governed by the provisions of Articles 38, 40, 41, 44, 45 and the applicable provisions of Article 46, respectively, of the Convention of 28 July 1951 relating to the Status of Refugees.

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70. With respect to Article 39 (Signature, Ratification and Accession), Article 42 (Reservations), and Article 43 (Entry into Force) of the Convention, it appears that certain changes would need to be made. In order to assist the Conference, the following three draft articles are submitted for its consideration:

Article B

Signature, ratification and accession

1. This Protocol shall be opened for signature at New York from _____ to _____ on behalf of all States Members of the United Nations, on behalf of any other State invited to attend the United Nations Conference of Plenipotentiaries on the Status of Stateless Persons held at New York from 13 September 1954 to _____ and on behalf of any other State to which an invitation to become a party [footnote 1] may be addressed by the General

Assembly. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

2. This Protocol shall be open from _____ for accession by the States referred to in paragraph 1 of this article. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

[Footnote 1: The words “an invitation to become a party” are suggested in place of the words “an invitation to sign” to cover both methods by which a State may become a party to the Protocol, namely signature followed by ratification, and accession.]

Article C Reservations

1. At the time of signature, ratification or accession, any State may make reservations in respect of the application to stateless persons covered by this Protocol of any of the Articles of the Convention of 28 July 1951 relating to the Status of Refugees mentioned in Article _____ of this Protocol, other than Articles _____.

2. Any State making a reservation in accordance with paragraph 1 of this Article may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

Article D Entry into Force

1. This Protocol shall come into force on the ninetieth day following the day of deposit of _____ instruments of ratification or accession.

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2. For each State ratifying or acceding to the Protocol after the deposit of the _____ instrument of ratification or accession, the Protocol shall enter into force on the ninetieth day following the date of deposit by such State of its instrument of ratification or accession.

IN FAITH WHEREOF the undersigned, duly authorized, have signed this Protocol on behalf of their respective Governments.

DONE at New York, this _____ day of _____, one thousand nine hundred and fifty-four, in a single copy, of which the English and French texts are equally authentic and which shall remain deposited in the archives of the United Nations, and certified true copies of which shall be delivered to all Members of the United Nations and to the non-member States referred to in Article B.

E. Annexes to the Protocol

71. The Economic and Social Council, in resolution 526 A (XVII) decided that the agenda of the Conference should include the item "Adoption of the revised Protocol and opening of the Protocol for signature by all States Members of the United Nations and by non-Member States invited to attend the first Conference of Plenipotentiaries held at Geneva in 1951." It may be assumed, therefore, that the Protocol will be open for signature to all such States, whether or not they are parties to the Convention relating to the Status of Refugees. If this is the case, it would seem desirable to annex to the Protocol the text of those articles of the Convention which are to be applied, *mutatis mutandis*, to stateless persons.

72. The draft protocol provides for the application, *mutatis mutandis*, to stateless persons of the provisions on travel documents, which appeared in Article 23 of the draft convention and which now comprise Article 28 of the Convention. A Schedule of rules concerning the travel document, and a sample travel document, are attached to the Convention. If the Protocol provides for the application of Article 28 to stateless persons, it may be desirable to annex also to the Protocol both the Schedule of rules and the specimen travel document.

Government Comments

E/2373 Belgium

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/2373 27 February 1953

STATELESSNESS: COMMENTS RECEIVED FROM GOVERNMENTS ON THE SUBJECT OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS

The Secretary-General has the honour to transmit herewith the communication received from the Belgian Government in reply to the letter addressed by the Secretary-General in accordance with General Assembly resolution 629 (VII) of 6 November 1952, to all the governments invited to the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (held at Geneva in July 1951) with a view to obtaining their comments on the draft protocol relating to the status of stateless persons.

BELGIUM

Letter of 17 December 1952 to the Secretary-General from the Ministry of Foreign Affairs and External Trade of Belgium

“The Belgian Government considers that the problem of statelessness is essentially different from that of refugees. While refugees are the victims of political regimes which violate freedom and human dignity, the fact that non-refugee stateless persons have no nationality is in most cases the result either of their own express wishes or of their negligence.

“In these circumstances, the Belgian Government does not consider that there are grounds for granting such stateless persons the privileged treatment established on behalf of refugees by the Geneva Convention of 28 July 1951. It would, however, be prepared to guarantee them the treatment enjoyed in Belgian territory by aliens in general.

“The problem to which, in the opinion of the Belgian Government, attention should be directed and which has already been considered by the International Law Commission of the United Nations is that of reducing the causes of statelessness by making appropriate changes in existing legislation.”

E/2373/Add.1: Dominican Republic

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/2373/Add.1 27 February 1953

STATELESSNESS: COMMENTS RECEIVED FROM GOVERNMENTS ON THE SUBJECT OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS

The Secretary-General has the honour to transmit herewith the communication received from the Government of the Dominican Republic in reply to the letter addressed by the Secretary-General in accordance with General Assembly resolution 629 (VII) of 6 November 1952 to all the governments invited to the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (held at Geneva in July 1951) with a view to obtaining their comments on the draft protocol relating to the status of stateless persons.

DOMINICAN REPUBLIC

Letter of 2 February 1953 to the Secretary-General from the Secretary of State for External Relations and Public Worship of the Dominican Republic.

“The Secretary of State for External Relations and Public Worship of the Dominican Republic presents his compliments to the Secretary-General of the United Nations and has the honour to acknowledge receipt of the Secretary-General’s letter No. SOA/5/05/(1) of 1 December 1952 drawing the attention of the Dominican Department of State for External Relations to the resolution adopted by the General Assembly at its seventh regular session on 6 November 1952, in compliance with which the Secretary-General requests the comments of the governments of States Members on the application to stateless persons of certain provisions of the Geneva Convention of 1951 relating to refugees.

“In reply, the Dominican Department of State for External Affairs has the honour to inform the Secretary-General that since the Dominican Republic has neither signed nor ratified the Geneva Convention of 1951 relating to refugees, the Dominican Government cannot be considered to be under any obligation and is not in a position to express a technical opinion on the question raised in the above-mentioned resolution of the General Assembly.”

E/2373/Add.2: Finland

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/2373/Add.2 15 April 1953

**STATELESSNESS: COMMENTS RECEIVED FROM GOVERNMENTS ON THE
SUBJECT OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS**

The Secretary-General has the honour to transmit herewith the communication received from the Government of Finland in reply to the letter addressed by the Secretary-General in accordance with General Assembly resolution 629 (VII) of 6 November 1952, to all the governments invited to the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (held at Geneva in July 1951) with a view to obtaining their comments on the draft protocol relating to the status of stateless persons.

FINLAND

Note dated 4 March 1953 from the Minister for Foreign Affairs of Finland to the Secretary-General

“The Minister for Affairs presents his compliments to the Secretary-General of the United Nations and has the honour to refer to the latter’s note of 1 December 1952, No. SOA 325/5/05(1), regarding the draft protocol prepared by the *Ad Hoc* Committee on Statelessness and Related Problems established by the Economic and Social Council, with the object of making applicable to stateless persons who are not refugees certain provisions Of the Convention Relating to the Status of Refugees of 1951.

“In reply, the Minister wishes to inform that, although the Government of Finland has not yet become party to the said Convention, it has no objection that the certain provisions of the Convention, as mentioned in the draft protocol, be in general applied, *mutatis mutandis*, to persons being stateless and yet not refugees.”

Helsinki, 4 March 1953.

E/2373/Add.3: Japan

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/2373/Add.3 17 April 1953

STATELESSNESS: COMMENTS RECEIVED FROM GOVERNMENTS ON THE
SUBJECT OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

The Secretary-General has the honour to transmit herewith the communication received from the Government of Japan in reply to the letter addressed by the Secretary-General in accordance with General Assembly resolution 629 (VII) of 6 November 1952, to all the governments invited to the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (held at Geneva in July 1951) with a view to obtaining their comments on the draft protocol relating to the status of stateless persons.

JAPAN

Note of 6 April 1953 to the Secretary-General from the Minister for Foreign Affairs of Japan

The Minister for Foreign Affairs presents his compliments to the Secretary-General of the United Nations, and, acknowledging the receipt of the latter's Note of December 1, 1952, in which the Secretary-General requested the Japanese Government to communicate its comments on the subject of the provisions of the Convention Relating to the Status of Refugees which it would be prepared to apply to the various categories of stateless persons, has the [illegible], in reply thereto, to inform the Secretary-General as follows:

While Japan is not a signatory to the Convention Relating to the Status of Refugees which was adopted by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons held at Geneva in July, 1951, the Japanese Government would be prepared to apply, *mutatis mutandi*, those provisions of the said Convention enumerated in the attached list to stateless persons in the event of Japan's accession to the Convention. The Japanese Government sees no reason to make distinctions between refugees and stateless persons in the treatment to be accorded under these provisions, and, therefore, [illegible] it appropriate that these provisions be applied to the various categories of stateless persons in Japan when she has become a party to the said Convention.

Tokyo, April 6, 1953.

LIST OF PROVISIONS OF THE CONVENTION RELATING TO THE STATUS OF REFUGEES TO BE APPLIED, *MUTATIS MUTANDIS*, TO STATELESS PERSONS

<u>Provisions</u>	<u>Title of the Article</u>
Article 2	General Obligations
“ 3	Non-discrimination
“ 4	Religion
“ 5	Rights granted apart from this Convention
“ 6	The Term “in the same circumstances”
“ 7	Exemption from Reciprocity
“ 9	Provisional Measures
“ 10	Continuity of Residence
“ 11	Refugee Seamen
“ 12	Personal Status
“ 13	Movable and Immovable Property
“ 14	Artistic Rights and Industrial Property
“ 15	Right of Association
“ 16	Access to Courts
“ 17, paragraph 1	Wage-earning Employment
“ 18	Self-employment
“ 19, paragraph 1	Liberal Professions

“ 20	Rationing
“ 21	Housing
“ 22	Public Education
“ 23	Public Relief
“ 24	Labour Legislation and Social Security
“ 25	Administrative Assistance
“ 26	Freedom of Movement
“ 27	Identity Papers
“ 28	Travel Documents
“ 29	Fiscal Charges
“ 32	Expulsion
“ 34	Naturalization

E/2373/Add.4: France

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/2373/Add.4 27 April 1953

STATELESSNESS: COMMENTS RECEIVED FROM GOVERNMENTS ON THE
SUBJECT OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

The Secretary-General has the honour to transmit herewith the communication received from the French Government in reply to the letter addressed by the Secretary-General in accordance with General Assembly resolution 629 (VII) of 6 November 1952, to all the governments invited to the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (held at Geneva in July 1951) with a view to obtaining their comments on the draft protocol relating to the status of stateless persons.

FRANCE

Letter of 15 April 1953 to the Secretary-General from the Ministry of Foreign
Affairs of the French Republic

With reference to your letter SOA 325/5/05(I) of 1 December 1953, I have the honour to inform you that the French Government has no objection of principle to the draft protocol relating to the status of stateless persons.

It wishes, however, to suggest certain amendments to the text prepared by the *Ad Hoc* Committee in order to make clear the obligations of governments under the proposed protocol.

It seems desirable to include a definition of the term "stateless person" in the preamble to the protocol.

Further, articles 23 (Public Relief) and 24 (Social Security) of the Convention relating to the Status of Refugees accord extremely favourable treatment to refugees; although has been considered possible, in France, to accord such treatment to persons whose position is particularly difficult as a

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result of the circumstances in which they left their countries of origin, there are not the same reasons for extending it to stateless persons, to whom the regulations governing aliens in general can be applied without difficulty.

Lastly, it does not seem possible to make the provisions of articles 31 and 32, which relate to expulsion, applicable to stateless persons. The favourable treatment which it has been possible to apply to refugees in this respect cannot legitimately be extended to stateless persons whose life and liberty are not threatened.

In order to give concrete expression to the foregoing comments, I have the honour to transmit below a revised text of the protocol, which meet the views of my Government.

E/2373/Add.4 Annex Page 1

ANNEX

REVISED TEXT OF THE PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS

“THE CONTRACTING STATES,

“NOTING the existence of a number of persons, referred to as stateless persons, to whom domestic legislation relating to nationality applies;

“CONSIDERING that the Convention relating to the Status of Refugees dated 28 July 1951 deals only with refugees, whether stateless or not;

“CONSIDERING moreover that there are many stateless persons who are not covered by the said convention and whose status it appears desirable to improve,

“UNDERTAKE to apply, *mutatis mutandis*, provisions of articles 2 to 4, 10 to 15, 17 (paragraph 1), 18 to 22, 25 to 27, 29 (paragraphs 1 and 2), and 34 of the said Convention to stateless persons to whom the Convention does not apply.”

The standard final clauses follow.

E/2373/Add.5: United States of America

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/2373/Add.5 5 May 1953

**STATELESSNESS: COMMENTS RECEIVED FROM GOVERNMENTS ON THE
SUBJECT OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS**

The Secretary-General has the honour to transmit herewith the communication received from the Government of the United States of America in reply to the letter addressed by the Secretary-General in accordance with General Assembly resolution 629 (VII) of 6 November 1952, to all the governments invited to the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (held at Geneva in July 1951) with a view to obtaining their comments on the draft protocol relating to the status of stateless persons.

UNITED STATES OF AMERICA

Noted dated 30 April 1953 from the representative of the United States of America to the United Nations, addressed to the Secretary-General

The representative of the United States of America to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to the Secretary-General's note SOA 325/5/05(1), dated 1 December 1952, requesting the comments of the United States government on the text of the proposed Protocol relating to the Status of Stateless Persons.

The representative of the United States has the honour to inform the Secretary-General that under American law and practice, stateless persons residing in the United States are accorded all the safeguards of the American Bill of Rights as well as other fundamental safeguards of the Constitution of the United States on the same basis as those safeguards are accorded to American citizens and other resident aliens. While it is true that some distinctions between aliens and

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citizens are recognized, as for example, with respect to the right to vote and to engage in certain professions, a stateless person is treated no less favourably with respect to these matters than is any other alien similarly situated. Moreover, stateless persons may be naturalized as American citizens upon the same basis as other aliens.

Since the United States does not intend to become a party to the proposed Protocol relating to the Status of Stateless Persons, this Government is not submitting specific comments on the text of the proposed protocol.

E/2373/Add.6: Sweden

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/2373/Add.6 27 February 1953

**STATELESSNESS: COMMENTS RECEIVED FROM GOVERNMENTS ON THE
SUBJECT OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS**

The Secretary-General has the honour to transmit herewith the communication received from the Government of Sweden in reply to the letter addressed by the Secretary-General in accordance with General Assembly resolution 629 (VII) of 6 November 1952 to all the governments invited to the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (held at Geneva in July 1951) with a view to obtaining their comments on the draft protocol relating to the status of stateless persons.

SWEDEN

Letter dated 20 May 1953 from the Permanent Representative of Sweden to the
United Nations addressed to the Secretary-General

New York, 20 May 1953

By note of December 1, 1952, the Secretary-General requested the comments of the Swedish Government on the draft protocol regarding the legal status of stateless persons.

With reference to this request I have the honour, acting upon instructions, to convey the information contained in the enclosed note.

(Signed) O. THORSING
Permanent Representative

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The consideration of the question of Sweden's ratification of the international convention, signed 28 July 1951, in Geneva, regarding the status of refugees has not been carried to a point, where a decision could be taken by Swedish authorities. It is however possible that the Government may submit a proposal for ratification to the Swedish Riksdag next year.

Before the preparatory work for Swedish ratification are intensified it is further impossible to indicate what reservations may prove to be necessary in connexion herewith. For this reason the Swedish Government regrets not to be able at this stage to state to what extent the above-mentioned convention might possibly on the part of Sweden be applied also to stateless persons. [Illegible] delay, caused thereby, should not, in the judgment of the Swedish Government entail any significant disadvantage in view of the fact that as yet it seems impossible to foresee, when the convention may enter into force. On the contrary some considerable time will probably elapse before the required six ratification instruments are lodged with the Secretary-General of the United Nations.

E/2373/Add.7: F.P.R. of Yugoslavia

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/2373/Add.7 28 May 1953

**STATELESSNESS: COMMENTS RECEIVED FROM GOVERNMENTS ON THE
SUBJECT OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS**

The Secretary-General has the honour to transmit herewith the communication received from the Government of the Federal People's Republic of Yugoslavia in reply to the letter addressed by the Secretary-General in accordance with General Assembly resolution 629 (VII) of 6 November 1952 to all the governments invited to the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (held at Geneva in July 1951) with a view to obtaining their comments on the draft protocol relating to the status of stateless persons.

YUGOSLAVIA

Letter dated 21 May 1953 from the Permanent Representative of the F.P.R. of Yugoslavia to the United Nations addressed to the Secretary-General

In reply to the communication SOA 325/5/05(1) of 1 December 1952, I have the honour to inform you that the question of stateless persons in Yugoslavia has been successfully solved by the positive measures taken by its Government and its jurisdiction. Consequently, the statelessness has been eliminated and its cases are non-existence in my country.

In the view of the above stated, the provisions contained in the proposed Draft Protocol relating to the status of stateless persons are of no material importance to the Federal People's Republic of Yugoslavia and the Government has refrained from giving its comments on the subject.

(Signed) Leo MATES

Permanent Representative of the F.P.R. of Yugoslavia to the United Nations

E/2373/Add.8: Iran

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/2373/Add.8 14 July 1953

**STATELESSNESS: COMMENTS RECEIVED FROM GOVERNMENTS ON THE
SUBJECT OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS**

The Secretary-General has the honour to transmit herewith the communication received from the Government of Iran in reply to the letter addressed by the Secretary-General in accordance with General Assembly resolution 629 (VII) of 6 November 1952 to all the governments invited to the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (held at Geneva in July 1951) with a view to obtaining their comments on the draft protocol relating to the status of stateless persons.

IRAN

Note of 4 June 1953 to the Secretary-General from the representative of Iran to the United Nations

The representative of Iran to the United Nations presents his compliments to the Secretary-General and has the honour to communicate the information just received from the competent authorities of the Iran Government concerning the Secretary-General's letter No. SOA 325/5/05(1) of 1 December 1952 on statelessness.

1. Since the Iran Government did not take part in the Conference held at The Hague in 1930, it did not sign the conventions and protocols produced by that Conference;
2. The question of changes in territorial sovereignty raised in the sixth paragraph of Economic and Social Council resolution 319 B (XI) does not apply to Iran;

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3. With regard to the seventh paragraph of the same resolution, all applications for naturalization are considered on their merits, without special reference to the nationality or lack of nationality of the applicant.
4. The Iran Government is at present revising its nationality laws, and would like to assure the Secretary-General that it will bear the question of statelessness in mind and in due course communicate any decisions adopted on the subject.

E/2373/Add.9: Union of South Africa

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/2373/Add.9 27 February 1953

**STATELESSNESS: COMMENTS RECEIVED FROM GOVERNMENTS ON THE
SUBJECT OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS**

The Secretary-General has the honour to transmit herewith the communication received from the Government of the Union of South Africa in reply to the letter addressed by the Secretary-General in accordance with General Assembly resolution 629 (VII) of 6 November 1952 to all the governments invited to the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (held at Geneva in July 1951) with a view to obtaining their comments on the draft protocol relating to the status of stateless persons.

UNION OF SOUTH AFRICA

Letter dated 8 July 1953 from the Permanent Representative of the Union of South Africa to the United Nations addressed to the Secretary-General

“The Deputy Permanent Representative of the Union of South Africa to the United Nations presents his compliments to the Secretary-General, and with reference to the latter’s note No. SOA 325/5/05 (1) of 1st December, 1952, in regard to the Draft Protocol on Stateless Persons and the question as to which provisions of the Convention relating to the Status of Refugees Governments would be prepared to apply to the various categories of Stateless Persons, has the honour to advise that, as some of the provisions of the Final Act and Convention relating to the Status of Refugees would limit the Government of the Union of South Africa’s power of action under the existing Immigration Laws in respect of stateless persons admitted to the Union and refugees who might in future find their way to the Union, the Union Government would find themselves unable to agree to the signature of the Protocol on Stateless Persons or accession to the Convention relating to the Status of Refugees.”

E/2373/Add.10: Pakistan

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/2373/Add.10 3 August 1953

**STATELESSNESS: COMMENTS RECEIVED FROM GOVERNMENTS ON THE
SUBJECT OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS**

The Secretary-General has the honour to transmit herewith the communication received from the Government of Pakistan in reply to the letter addressed by the Secretary-General in accordance with General Assembly resolution 629 (VII) of 6 November 1952 to all the governments invited to the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (held at Geneva in July 1951) with a view to obtaining their comments on the draft protocol relating to the status of stateless persons.

PAKISTAN

Note dated 11 July 1953 from the Minister of Foreign Affairs and Commonwealth Relations of Pakistan addressed to the Secretary-General

The Minister of Foreign Affairs and Commonwealth Relations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to the Secretary-General's note No. SOA 325/5/05(1), dated the 1st December, 1952, regarding the Draft Protocol relating to the Status of Stateless Persons.

The Government of Pakistan would not be prepared to apply to stateless persons the provisions of Article 31 of the Convention relating to the Status of Refugees. It would have no objection to applying to stateless persons the other provisions of the Convention which it is proposed to apply to such persons. The Government of Pakistan would, however, reserve its position in regard to the Draft Protocol as a whole until it has had an opportunity of considering the final draft.

It is regretted that this information could not be furnished earlier.

E/2373/Add.11: United Kingdom of Great Britain and Northern Ireland

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/2373/Add.11 3 August 1953

**STATELESSNESS: COMMENTS RECEIVED FROM GOVERNMENTS ON THE
SUBJECT OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS**

The Secretary-General has the honour to transmit herewith the communication received from the Government of the United Kingdom of Great Britain and Northern Ireland in reply to the letter addressed by the Secretary-General in accordance with General Assembly resolution 629 (VII) of 6 November 1952 to all the governments invited to the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (held at Geneva in July 1951) with a view to obtaining their comments on the draft protocol relating to the status of stateless persons.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Note dated 16 July 1953 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

The Permanent Representative of the United Kingdom of Great Britain and Northern Ireland presents his compliments to the Secretary-General of the United Nations and has the honour to refer to the Secretary-General's note SOA 325/5/05(1) of December 1st, 1952, to the Secretary of State for Foreign Affairs in the United Kingdom, concerning the draft Protocol on the Status of Stateless Persons.

In general the treatment accorded to stateless persons in the United Kingdom does not differ from that accorded to refugees and Her Majesty's Government see no objection in principle to applying the provisions of the Convention Relating to the Status of Refugees to stateless persons who are not refugees insofar as these provisions are susceptible of application to such stateless persons.

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The United Kingdom would accordingly have no difficulty in applying *mutatis mutandis* to stateless persons the provisions listed in Annex II to the Secretary-General's Note SOA 325/5/05(1) and the same consideration applies to Articles 4, 8, 11, 17(2) and (3), 19(2), 30 and 33 are among those listed in Annex III. Such application would of course be subject to any reservations which Her Majesty's

Government may deem it necessary to make under Article 42 to any of the Articles listed in Annexes II and III of the Secretary-General's Note on ratifying the Convention relating to the Status of Refugees. Articles 9 and 31 would appear, by their terms, to be inappropriate to stateless persons as such and in the view of Her Majesty's Government, ought not to be included among the articles to be applied by the Protocol.

It is assumed that the standard final articles referred to in the last paragraph of Annex I and Annex III, footnote 1 of the Secretary—General's Note SOA 325/5/05(1) will be identical in form with those contained in the Convention on the Status of Refugees.

E/2373/Add.12: Switzerland

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/2373/Add.12 10 August 1953

**STATELESSNESS: COMMENTS RECEIVED FROM GOVERNMENTS ON THE
SUBJECT OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS**

The Secretary-General has the honour to transmit herewith the communication received from the Swiss Government in reply to the letter addressed by the Secretary-General in accordance with General Assembly resolution 629 (VII) of 6 November 1952, to all the governments invited to the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (held at Geneva in July 1951) with a view to obtaining their comments on the draft protocol relating to the status of stateless persons.

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SWITZERLAND

Letter of 29 July 1953 to the Secretary-General from the Permanent Observer of
Switzerland at the United Nations

“The Permanent Observer of Switzerland at the United Nations presents his compliments to the United Nations Secretariat and has the honour to refer to its note SOA/325/5/05(1) of 1 December 1952 concerning, *inter alia*, the draft protocol relating to the status of stateless persons.

“In this note, the Secretariat expressed in particular a desire to know the opinion of Switzerland with regard to the possibility of making applicable to stateless persons who are not refugees certain provisions of the Convention Relating to the Status of Refugees enumerated in the draft protocol.

“The reply of Switzerland to this request is as follows:

“The consideration of the question whether, and especially under what conditions, Switzerland would be able to ratify the Convention Relating to the Status of Refugees signed on 28 July 1951 has not yet been completed. The competent Swiss authorities, namely the Justice Division, hope, however, shortly to be in a position to submit to the Federal Departments concerned, for introduction in the Federal Parliament, a draft decree ratifying that Convention. However, certain reservations

have to be made in respect of a few articles.

“The representatives of Switzerland at all international conferences dealing with these matters, including the Geneva Conference, have always recommended a definition of the term refugee which should not be too restrictive. The application of the provisions of the July 1951 Convention to stateless persons in general would represent a certain extension of the concept of refugee as laid down in article 1 of the Convention. While reserving the liberty to examine the subject more closely in due course, the Justice Division does not at the present time see any reason why this concept should not also be applied to stateless persons, and especially to those who are connected with Switzerland by virtue of a prolonged residence in that country, family ties, or some other reason. In considering this subject, it should of course be borne in mind that the reservations which may be made with regard to certain provisions of the Convention also apply to stateless persons.

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It will not be possible to state these reservations in detail until procedure for the ratification of the July 1951 Convention is completed. Furthermore, the Swiss authorities consider that it will be necessary to make some additional reservations in respect of stateless persons as far as some provisions of the Convention are concerned.”

Note by the Secretary General

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/CONF.17/4 26 August 1954

UNITED NATIONS CONFERENCE OF PLENOPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

WORK OF THE INTERNATIONAL LAW COMMISSION ON THE PROBLEM OF PRESENT STATELESSNESS

Note by the Secretary-General

1. The International Law Commission, at its first session in 1949, selected nationality, including statelessness, as a topic for codification of international law but did not include it in the list of topics to which it gave priority. In resolution 319 B III (XI) the Economic and Social Council asked the Commission to “prepare at the earliest possible date the necessary draft convention or conventions for the elimination of statelessness.” The Commission decided therefore at its third session in 1951 (A/1858, para. 89) to begin work on nationality, including statelessness. The Commission’s studies at its fourth (1952) and fifth (1953) sessions were devoted mainly to considering the elimination or reduction of future statelessness and not existing statelessness. During the fifth session a Special Rapporteur of the Commission appointed earlier to study the question of nationality including statelessness drew attention to the problems of statelessness (A/CN.4/75), and the Commission requested him to devote further study to the matter and to prepare a report for the sixth session (A/2496, para. 123).

2. The Commission considered the Rapporteur’s report (A/CN.4/81) and other proposals made at its sixth session in 1954 (A/CN.4/SR/246-250, 275, 276 and 280).

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3. The attention of the Conference is drawn to the following paragraphs of the report of the International Law Commission on its sixth session (A/CN.4/88):

“31. In formulating its proposals relating to present statelessness, the Commission considered that present statelessness could only be reduced if stateless persons acquired a nationality which would normally be that of the country of residence. Since however the acquisition of nationality is in all countries governed by certain statutory conditions including residence qualifications, the Commission considered that for the purpose of improving the condition of statelessness it would be desirable

that stateless persons should be given the special status of “protected persons” in their country of residence prior to the acquisition of a nationality. Stateless persons possessing this status would have all civil rights accorded to nationals with the exception of political rights, and would also be entitled to the diplomatic protection or the government of the country of residence; the protecting State may impose on them the same obligations as it imposes on nationals.

“32. The Commission welcomed the resolution of the Economic and Social Council endorsing the principles underlying the work of the Commission for the elimination or reduction of statelessness (resolution 526 (XVII) B) and also the decision of the Council to convene a conference of plenipotentiaries to review and adopt a protocol relating to the status of stateless persons by which certain provisions of the Convention relating to the Status of Refugees of 28 July 1951 would become applicable to stateless persons (resolution 526 (XVII) A).

“33. It considered the question of the relation of its work on present statelessness to the subject of the forthcoming conference of plenipotentiaries. The Commission was of the opinion that while the object of that conference was the regulation of the status of stateless persons by international agreement, the Commission was primarily concerned with the reduction of present statelessness.

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“34. In considering the problem of present statelessness the Commission was aware of the fact that stateless persons who are refugees as defined in the Statute of the Office of the United Nations High Commissioner for Refugees (UNHCR) receive international protection by the United Nations through the High Commissioner. The suggestions contained in the present report are without prejudice to the question of granting international protection by an international agency, as distinguished from diplomatic protection by States, to stateless persons pending their acquisition of a nationality.

“35. The special rapporteur also proposed that *de facto* stateless persons should be assimilated to *de jure* stateless persons as regards the right to the status of “protected person” and the right to naturalization, provided that they renounced the ineffective nationality they possessed. This proposal was rejected the Commission.

“36. In view of the great difficulties of a non-legal nature which beset the problem of present statelessness, the Commission considered 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.”

4. The text of the suggestions adopted the Commission will be found in paragraph 37 of the report of the Commission.

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/4/Corr.1 9 September 1954

UNITED NATIONS CONFERENCE OF PLENOPOTENTIARIES ON THE
STATUS OF STATELESS PERSONS

WORK OF THE INTERNATIONAL LAW COMMISSION ON THE PROBLEM OF
PRESENT STATELESSNESS

Note by the Secretary-General

CORRIGENDUM

In the last sentence of paragraph 1 insert the word “present” between the words “problems of” and “statelessness.” The sentence would then read:

“During the fifth session a Special Rapporteur of the Commission appointed earlier to study the question of nationality including statelessness drew attention to the problem of present statelessness (A/CN.4/75), and the Commission requested him devote further study to the matter and to prepare a report for the sixth session (A/2496, para.123).”

Part III: Summary Records and Proposals for Inclusion

Summary Records

First Meeting, 13 September 1954

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

E/CONF.17/SR.1 30 September 1954

SUMMARY RECORD OF THE FIRST MEETING

Held at Headquarters, New York, on Monday, 13 September 1954 at 11.10 a.m.

Contents

Inaugural address by the Secretary-General
Election of the President and Vice-Presidents
Adoption of the agenda (E/CONF.17/1/Rev.1)
Adoption of the rules of procedure (E/CONF.17/2)
Conduct of business

PRESENT:

Acting President: Mr. HUMPHREY Director, Division of Human Rights

President: Mr. LARSEN Denmark

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INAUGURAL ADDRESS BY THE SECRETARY-GENERAL

Mr. HUMPHREY (Secretariat) opened the Conference.

The SECRETARY-GENERAL welcomed the representatives of the various Governments to the Conference.

The United Nations—in particular the Commission on Human Rights, the Economic and Social Council and the International Law Commission—had for some years been concerned with the fate of stateless persons. It had attacked the problem on two fronts: on a long-term basis it had been studying how statelessness might in the future be eliminated, while at the same time it had been aware of the need for immediate action to improve the lot of stateless persons wherever they might exist.

The International Law Commission was the organ mainly concerned with finding a long-term solution of the problem of statelessness within the general context of its study of nationality. The two draft Conventions it had drawn up at its recent session would be before the General Assembly at the forthcoming session.

The International Law Commission had been interested also in the problem of present statelessness and had suggested that to improve the condition of stateless persons it would be desirable that stateless persons should be given the special status of “protected persons” in their country of residence before acquiring a nationality.

The plight of the many thousands of refugees and stateless persons in the world in recent years had demanded urgent action. The International Refugee Organization had brought material relief to great numbers of refugees but in many cases their legal status had remained uncertain. With a view to improving the legal situation, the Economic and Social Council had set up an *Ad Hoc* Committee, which had in 1950 drawn up a draft Convention relating to the Status of Refugees and a draft protocol relating to the status of stateless persons. In 1951 a Conference of Plenipotentiaries convened by the General Assembly had adopted and opened for signature a Convention relating to the Status of Refugees, which had come into force in April 1954 after its ratification by six States.

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It was for the present Conference to decide to what extent the rights set forth in that Convention could and should be applied to stateless persons, whether or not they were refugees and whether or not they were covered by the 1951 Convention.

As the basis for its work the Conference had before it the draft protocol drawn up by the *Ad Hoc* Committee in 1950. The text had been prepared in relation to the draft Convention on Refugees. Certain changes had been made in 1951 and the present Conference would need to review the provisions of the draft protocol in the light of the final text of the Convention of 1951 and of the comments which various Governments had made at the request of the General Assembly.

In adopting a protocol relating to the status of stateless persons and opening it for signature, the Conference would have completed a chapter, begun several years ago, of United Nations efforts to protect refugees and stateless persons. It would have made provision for certain important rights to be accorded to those who, through some accident of birth or grave misfortune befalling them in the present turbulent times, were destitute of nationality. It was through such efforts as those that the United Nations would be able realistically to give effect to provisions of the Charter under which Member Governments had pledged themselves to take joint and separate action to promote universal respect for and observance of human rights and fundamental freedoms for all.

ELECTION OF PRESIDENT AID VICE-PRESIDENTS

Mr. BROWN (United Kingdom), seconded by Mr. HERMENT (Belgium) and Mr. ROBINSON (Israel), nominated Mr. Larsen (Denmark) as President.

Mr. Larsen (Denmark) was elected President by acclamation and took the chair.

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The PRESIDENT thanked the Conference for the great honour it had bestowed on his country and on himself. He was convinced that the joint efforts of all concerned could not fail to produce good results.

Mr. ROBINSON (Israel), seconded by Mr. KOS (Yugoslavia), nominated Mr. Herment (Belgium) as the first Vice-President.

Mr. Herment (Belgium) was elected Vice-President by acclamation.

Mr. HERMENT (Belgium) thanked the Conference for the great honour it had done him and his country.

The PRESIDENT proposed that the election of the second Vice-President should be postponed until the following meeting, to allow representatives to discuss the matter among themselves.

It was so agreed.

ADOPTION OF THE AGENDA (E/CONF.17/7/Rev.1)

Mr. ROBINSON (Israel) was puzzled by the rather unusual wording of item 5 of the agenda. It was the first instance of the work of a conference of plenipotentiaries being restricted to the revision of an instrument which had not been considered by any other conference of plenipotentiaries. Its real purpose was discussion of the

draft protocol.

With regard to item 6, he wondered whether a protocol was the best method of dealing with the problem of statelessness; it would be better not to prejudge the form of the instrument to be adopted.

He suggested that the discussion of the draft protocol might take the following order: (1) a definition of statelessness; (2) the rights and duties of stateless persons; (3) the final clauses; (4) the preamble (5) the legal form of the instrument.

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Mr. HUMPHREY (Secretariat) explained that the wording of item 5 was to be explained by the fact that when adopting Resolution 526 A (XVII) convening the Conference the Economic and Social Council had decided the provisional agenda should include the item; the wording in the resolution had been used verbatim in the agenda. Since the Secretariat was bound by it, that did not mean, however, that the Conference was similarly bound by it.

Mr. LOOMES (Australia) thought that the Conference could retain items 5 and 6 of the provisional agenda as they stood, on the understanding that they were to be interpreted broadly, along the lines indicated by the Israel representative.

Mr. HERMENT (Belgium) said that, it was the feeling of his Government that the wording of item 5 prejudged somewhat the scope of the Conference. In his view, the provisional wording would have to be made less restrictive or, if left unchanged, adapted with the clear understanding that it did not prejudice in any way the manner in which the Conference would eventually decide to deal with the question of stateless persons.

Mr. TRUJILLO (Ecuador) shared the view of the Israel representative the scope of the Conference. He himself had participated in the work of the Economic and Social Council at its seventeenth session and could assure the Conference that in proposing the two items for inclusion in the Conference's agenda the Council had not intended to impose a particular draft on the Conference or to restrict it in any way. The Council's sole concern had been that the Conference should take into account the work that had already been done.

There was no need to amend the provisional agenda. The word "revision" in item 5 did not mean that the Conference was not perfectly free to make any changes in the draft protocol it desired, even to the extent of it re-writing completely. Similarly, item 6 could refer only to the instrument resulting from the Conference's deliberation of item 5.

Mr. ROBINSON (Israel) said that he prepared to support the suggestion that the provisional agenda need not be amended, so long as it was adopted on the formal understanding that the wording of items 5 and 6 did not prejudge the scope of the Conference and that the Conference was not restricted to the redrafting of an existing document but was free to decide for itself the kind of instrument it wished to adopt.

The PRESIDENT suggested that item 5 should be understood to mean discussion of the status of stateless persons with the draft protocol as the basic document of that discussion, and that item 6 should be understood to refer to the adoption and signature of the Final Act and whatever instrument or instruments the Conference might decide upon.

The agenda was adopted subject to the interpretation suggested by the President.

ADOPTION OF RULES OF PROCEDURE (E/CONF.17/2)

Mr. LOOMES (Australia) observed that the draft rules of procedure were based on similar rules that governed most international conferences held under United Nations auspices. He thought that they could be adopted without discussion if there were no substantial changes from the rules of the 1951 Conference of Plenipotentiaries and no objections to them as they stood.

The PRESIDENT observed that draft rule 5 would place him in a rather awkward position. As he was the only member of the Danish delegation, he would be unable, under that rule, to contribute to the decisions of the Conference. He hoped that it would be possible to work out some arrangement that would enable him to participate in the discussion and the voting without exercising an improper influence on his colleagues.

Mr. ROBINSON said that to restrict the President's participation in the Conference's proceedings to the duties of his office would be to impose an unwarranted penalty on Denmark as well as on the Conference, which should have the benefit of the President's scholarship and experience. He saw no reason for a *capitis diminutio* in the case of the president of a non-political conference and he therefore proposed the deletion of rule 5.

Mr. BROWN (United Kingdom), Mr. CARIAS (Honduras) and Mr. LOOMES (Australia) supported that proposal.

The Israel proposal was adopted.

The draft rules of procedure, as amended, were adopted.

CONDUCT OF BUSINESS

The PRESIDENT observed that some Governments had designated observers rather than plenipotentiaries. He proposed that they should be entitled to participate in the work of the Conference without the right to vote.

It was so decided.

The PRESIDENT said that no specific invitation to the specialized agencies and the non-governmental organizations in consultative relationship with the Economic and Social Council had been included in Council resolution 526 A (XVII), under which the Conference had been convened. Provision for such participation, without the right to vote, had been made in General Assembly resolution 366 (IV) and Council resolution 288 B (X) and he proposed that effect should be given to those resolutions.

It was so decided.

E/CONF.17/SR.1 Page 8

Replying to observations by Mr. ROBINSON (Israel) and Mr. SCHELTEMA (Netherlands), the PRESIDENT suggested that the Conference should hold a general debate before proceeding to a detailed consideration of the instrument article by article. The question of definition might be taken first and representatives might refer to that subject during the general debate, without prejudice to a more specialized discussion when it came to be embodied in a draft article. The discussion might well proceed on the basis of the existing draft protocol (E/2373) and the Conference might take the articles of the Convention relating to the Status of Refugees (A/CONF.2/108/Rev.1) and see how far they could be adapted to the instrument relating to stateless persons.

Mr. BROWN (United Kingdom) observed that his delegation had just submitted a new draft protocol (E/CONF.17/L.1). The *Ad Hoc* Committee's draft was somewhat out of date and furthermore in the new draft his delegation had attempted to take into account the comments made by Governments on the original draft protocol. The United Kingdom draft might provide a better basis for discussion. The meeting might well be adjourned until the following morning in order to give delegations time to examine the new text.

Mr. ROBINSON (Israel) supported the suggestion for adjournment.

The meeting rose at 12:35 p.m.

Second Meeting, 14 September 1954

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/CONF.17/SR.2 29 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

SUMMARY RECORD OF THE SECOND MEETING

Held at Headquarters, New York, on Tuesday, 14 September 1954 at 10:30 a.m.

Contents

Election of the President and Vice-Presidents (concluded)

Revision of the draft protocol relating to the status of stateless persons in the light of the provisions of the Convention relating to the Status of Refugees of 28 July 1951 and of the observations made by the Governments concerned (E/2373 and Add.1-14, E/CONF.17/L.1)

President: Mr. LARSEN (Denmark)

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ELECTION OF THE PRESIDENT AND VICE-PRESIDENTS (concluded)

The PRESIDENT recalled that the election of the second vice-president had been deferred to the second meeting. He invited nominations for that office.

Mr. GRANDJEAN (Switzerland) nominated Mr. de Barros Gomes (Brazil).

Mr. LOOMES (Australia) seconded the nomination.

Mr. de Barros Gomes (Brazil) was elected Second Vice-President by acclamation.

REVISION OF DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS IN THE LIGHT OF THE PROVISIONS OF THE
CONVENTION RELATING TO THE STATUS OF REFUGEES OF 28 JULY 1951
AND OF THE OBSERVATIONS MADE BY THE GOVERNMENTS CONCERNED
(E/2373 and Add.1-14, E/CONF.17/L.1)

Mr. HERMENT (Belgium) said that his Government was desirous of improving the status of stateless persons and therefore took a positive view of the Conference's task. The Convention relating to the Status of Refugees dealt with an entirely different class of persons and it was important to draw a clear distinction between refugees and stateless persons. Whereas the former were victims of events that were almost wholly beyond their control, many stateless persons lacked nationality only on account of an act or a failure to act for which they were at least partly responsible.

In view of that distinction and in order to ensure against the possibility of confusion in the minds of the national officials who would be responsible for applying the provisions adopted by the Conference, it was essential to have an independent convention for stateless persons, entirely separate from the Convention relating to the Status of Refugees. That did not mean that the latter Convention should be excluded from consideration by the Conference. On the contrary, the text should be examined and the elements applicable to stateless persons could be incorporated in the separate Convention.

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Mr. TUNCEL (Turkey) congratulated the Secretary-General on the documentation prepared for the Conference and paid a tribute to the earlier international bodies which had dealt with the question of stateless persons. The Conference would expedite its task if it considered the draft protocol prepared by the *Ad Hoc* Committee on Refugees and Stateless Persons and the memorandum of the Secretary-General as its working papers; the French and United Kingdom proposals (E/2373/Add.4 and E/CONF.17/L.1) could be treated as amendments to the draft protocol.

He suggested that the Conference should examine the material before it in the following stages: (1) the provisions of the Convention relating to the Status of Refugees which the *Ad Hoc* Committee had decided, in its draft protocol, to apply to stateless persons; (2) the provisions of the Convention which the *Ad Hoc* Committee had not mentioned in the draft protocol; (3) the provisions that were inserted in the Convention when it was adopted at the Geneva Conference of 1951; (4) the preamble to the new international instrument; (5) the question of including a definition of statelessness, which could give rise to prolonged debate and was really not essential; (6) the final clauses; (7) the choice between a protocol annexed to the Convention relating to the Status of Refugees and a separate convention dealing with stateless persons; (8) an interpretation of the expression "*mutatis mutandis*" as used by the *Ad Hoc* Committee in its draft protocol.

Mr. AYCINENA (Guatemala) pointed out that, if the Conference decided in favour of a protocol, States which did not wish to accede to the Convention relating to the Status of Refugees would find themselves in an anomalous position if they wished to accede to the provisions of the protocol.

Mr. KOS (Yugoslavia) observed that statelessness was an evil that was shocking to human dignity and often a source of friction among States. His delegation wondered whether it was the objective of the international community to elaborate provisions which would only constitute a partial and temporary

E/CONF.17/SR.2 Page 4

solution of the problem or whether it was to reduce the number of stateless persons and, if possible, eliminate statelessness altogether.

Neither a protocol nor a separate convention along the lines of the 1951 Convention would reduce statelessness. On the contrary, they might only perpetuate both the humanitarian and the social problems because the rights to be accorded stateless persons would still leave them with the feeling that they did not enjoy all the privileges of citizens.

His delegation felt that the Conference should go beyond the limited objectives of the draft protocol and adopt a convention that would increase the opportunities of stateless persons to become citizens of the countries in which they had settled. With the exception of the work of the International Law Commission on the problem of present statelessness and the elimination or reduction of future statelessness, none of the documents before the Conference would serve that purpose.

He agreed with the previous speakers who had emphasized the difference between stateless persons and refugees. The instrument adopted by the Conference should contain a definition of statelessness and have a separate character of its own, with no ties to any other international document.

Mr. CARIAS (Honduras) supported the procedure outlined by the representative of Turkey. At the conclusion of the general debate, a working group should be formed to draft the articles to be considered by the plenary Conference. The working group should consist of the representatives who had been members of the *Ad Hoc* Committee, the representatives of France, the United Kingdom and Israel, and other interested representatives.

The Conference should not permit itself to be bogged down in abstruse concepts and legal technicalities. He had had occasion to observe personally the fate of millions of hapless refugees in Europe after the war and there were large numbers of stateless

persons who found themselves in a similar position. It was an urgent problem and, in view of the spirit of cordiality dominating the Conference, there was no reason why it could not show the world an example of a positive and expeditious contribution to the cause of humanity by the international community.

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Mr. BROWN (United Kingdom) said that he had no very strong preference for a protocol to the 1951 Convention as against a separate new convention. There was a good deal to be said in favour of drafting a new convention, but the terms of reference given to the Conference by the Council and the General Assembly provided for the consideration of a protocol, and perhaps the majority of Member States might prefer that form. Certainly, drafting a protocol would simplify the Conference's work. There was, indeed, a basic difference between refugees and stateless persons, as the Belgian representative had pointed out, but in practice their problems were similar and could be dealt with in the same context, as both classes were residing in countries of which they were not nationals and neither had any government to protect them. If some difference in treatment were required, in a protocol it could be dealt with simply by withholding the application to stateless persons of certain provisions applicable to refugees. Another similarity between the problems of refugees and those of stateless persons was the prospect of their eventual disappearance; those of refugees by an improvement in international relations, those of stateless persons by the completion and application of the work currently being done by the International Law Commission. He could not agree with the Yugoslav representative's view of the object of the Conference. He himself thought that it was to guarantee certain rights which stateless persons enjoyed as an act of grace on the part of the Governments in whose territory they resided and perhaps to extend the scope of those rights, also under guarantee; in other words, it was to deal with a temporary situation. Certainly, the ultimate problem was, as the Yugoslav representative had stated, the elimination of statelessness; but that was a matter for the General Assembly to consider when it examined the International Law Commission's two projects.

With regard to the procedure, he had no objection to the Turkish suggestion that the *Ad Hoc* Committee's draft should be used as a basis for discussion. The draft was, however, somewhat out of date, in particular as regards the numbering of the articles, and it did not include articles added at the 1951 Conference. The United Kingdom draft (E/CONF.17/L.1) corrected those defects and also took into account the subsequent comments by the Governments. He agreed with the Turkish representative that the Secretary-General's memorandum (E/CONF.17/3) would be of the utmost assistance when the Conference came to take up the substantive articles.

With regard to the order of procedure, he agreed with the Israel representative that it was important that the definition should be discussed first; unless the Conference knew what kind of persons were to receive benefits, it could not decide what kind of benefits to guarantee. Definitions likely to be of service had already been drafted by the *Ad Hoc* Committee and the International Law Commission and others had been incorporated in the United Kingdom draft and in the French draft (E/2373/Add.4). A general debate might be held on that basis and a drafting committee might subsequently work on the final formulation. Next, the Conference might deal with the substantive articles and then with the final clauses and the preamble. After the articles had been discussed, the Conference could decide whether they should be embodied in a protocol or in a separate instrument.

Mr. LOOMES (Australia) said that he was in general agreement with the United Kingdom representative's suggestions about procedure, but the drafting committee should not be appointed until a fairly extensive debate had been held, covering both the definition and the clauses of the Convention. The Australian Government was prepared, as a matter of policy and subject to certain provisos, to accept all the clauses except those to which it had made specific reservations at the time of signature.

He would in due course submit a draft definition. The cardinal point was that the definition should be limited both as to time and as to place. The Conference should place existing stateless persons on more or less the same footing as refugees under the 1951 Convention. The Australian Government believed that it was of the utmost importance that any definition should be subject to the proviso that a stateless person should be considered as such if he had become stateless as a result of events occurring before 1 January 1951, that the term "events" should be sub-defined, as it had been in the 1951 Convention, by the alternatives: "a) events occurring in Europe before 1 January 1951; or (b) events occurring in Europe or elsewhere before 1 January 1951", and that each Contracting State should make a declaration at the time of signature, ratification or accession, specifying which of those meanings it applied for the purposes of its obligations under the Convention.

Mr. HERMENT (Belgium) said that he strongly disapproved of a limited definition for stateless persons. They were not at all in the same position as refugees; many had voluntarily become stateless; since 1 January 1951, many had had children who would be deprived of the benefits of the instrument if such a definition were adopted. It was wholly wrong to lump refugees and stateless persons together. That

consideration should be borne in mind throughout the Conference's work.

Mr. JOBEZ (France) entirely agreed with the Belgian representative. The 1951 Convention dealt solely with refugees. To limit the guarantees to stateless persons in space and time in a protocol would be to limit the scope of the Convention itself. Countries which had not signed the Convention would be able to give refugees a narrower status than they had received under the Convention, if they signed the protocol. That was an additional reason for dissociating the two instruments. The legal status to be accorded stateless persons might well be based on that given to refugees under the 1951 Convention, but the two problems were essentially different.

Mr. VOIGT (Federal Republic of Germany) agreed with the Belgian and French representatives. Stateless persons differed essentially from refugees, but it might be feasible to examine the clauses of the 1951 Convention and see which could be accepted and which would have to be modified; after that, a decision could be reached on the question whether they should be embodied in a protocol or in a separate convention. The decision would largely depend on the extent of the changes made. There should be no limitation in the definition of stateless persons who were not refugees. The considerations which had led to the limitation with regard to refugees were not valid with regard to stateless persons, because nationality was lost daily and such loss had no connexion with events occurring before 1 January 1951.

The PRESIDENT, speaking as representative of Denmark, said that the *Ad Hoc* Committee had drafted the instrument in the form of a protocol to the Convention partly for lack of time, inasmuch as it had required merely references back to the Convention, not entirely new drafting. It was noteworthy that all the delegations which had been represented on the *Ad Hoc* Committee seemed now to prefer a separate instrument.

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Speaking as PRESIDENT, he pointed out that to postpone the decision on the form of the instrument until late in the session would impose a very heavy burden on the Secretariat, should a convention be chosen, particularly with regard to translation. The Conference might be well advised to undertake a first reading, appoint a drafting committee and then examine the results at a second reading. If it was then found that the terms were so close to those of the 1951 Convention that they might as well be embodied in a protocol, there would be little translation work to be done. It would always be possible at the second reading to revert to the protocol form if it was found more convenient, even if the Conference had originally decided that there

should be a separate instrument.

Mr. ROBINSON (Israel) said that the debate had revealed a certain misunderstanding on the implications of the choice of the form of instrument. It had been argued that if the protocol form was adopted, all the Conference would have to decide was which of the existing articles of the 1951 Convention were to be embodied in it; if, however, a separate convention for stateless persons was preferred, the Conference would have to draft new clauses, and to reopen the many complex substantive questions which had arisen in the protracted debates on that Convention. However, the problem of form did not necessarily have those implications. Whatever form might be preferred in the final analysis, the Conference had no time to enter into long debates, especially as unanticipated controversy had already arisen over the definition of stateless persons. He doubted whether the President's procedural suggestion was feasible. It would be preferable, therefore, simply to bear in mind the idea that the existing articles were not to be substantially modified, but merely judged suitable or unsuitable for application to stateless persons, without prejudging the question of the form. He realized that under such a procedure stateless persons might be given fewer rights, but at least the Conference would be able to guarantee some rights; whereas, under any other procedure, the Conference might fail to achieve anything at all.

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Mr. TUNCEL (Turkey) agreed with the Israel representative. The texts worked out by the *Ad Hoc* Committee and the 1951 Conference had been very carefully studied and drafted by experts and had already been accepted by a number of countries. The present Conference should not, therefore, alter them except when strictly necessary. Should the Conference decide along those lines, there would be no need for the proposed drafting committee, except possibly to deal with the preamble, definition and final clauses. The definition and the form to be given to the instrument should be decided at a later stage in the course of the general debate.

The PRESIDENT explained that he had not meant to suggest that the articles should be redrafted, but had merely construed the term "*mutatis mutandis*" to mean such small drafting changes as the substitution of the words "stateless persons" for "refugees" at the appropriate places. That would be speedy and easy; it could be done by a mere reference, should the Conference prefer a protocol, or by copying out the existing text, *mutatis mutandis*, should it choose a separate convention.

The Conference might first decide whether it wished to deal with the definition before the substantive articles. It might then go through the 1951 Convention, article by article, and agree which articles were applicable to stateless persons as

well as to refugees; should some article be found to be not wholly applicable, it should be dealt with during the first reading. A drafting committee would then draft either a separate new convention or a protocol. The Conference in plenary meeting would undertake a rapid second reading and vote on the instrument, which would then be ready for signature.

Mr. BOZOVIC (Yugoslavia) agreed that the problem was different from that discussed at Geneva in 1951. The Conference should agree on whether to adopt a new convention or a protocol. The work could go on without any decision being taken on the final form of the instrument until the concluding stages, but he did not agree that the final form of the document was unimportant. With regard to the expression *mutatis mutandis* he thought it extremely difficult to define and it might be left out. The articles adopted at Geneva could be used as a basis for the work of the Conference but they should be thoroughly re-examined.

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He had serious doubts as to the applicability of the time-limit suggested. The definition adopted should be strictly legal. In addition, a decision should be taken on such fundamental questions as the form of the final instrument and the treatment of stateless persons.

Mr. HERMENT (Belgium) agreed with the President's suggestion, which would save time. It should be examined and a decision taken on it.

Mr. CARIAS (Honduras) thought that the setting up of a small working group would save much time.

Mr. TRUJILLO (Ecuador) thought that the main object of the Conference was to arrive at a definition of statelessness and then to determine how far the articles in the Convention relating to the Status of Refugees were applicable to stateless persons. In addition, the Conference should examine the articles of the Convention to determine, *mutatis mutandis*, to what extent they could be altered.

Mr. TUNCEL (Turkey) said that his own view of the order in which the work should be done had been guided by practical considerations. Arriving at a definition would be a long process. Moreover, it could be seen from the various national legislations what was meant by statelessness. The difficulties of agreeing on a definition were such that it would be best to postpone discussion of that problem and proceed on the basis of the articles of the Convention relating to the Status of Refugees.

Mr. ROBINSON (Israel) said that, although logically the definition should come first, the definition and the substantive provisions were closely inter-connected. In

any case, a second reading would make it easier to determine the scope of both. The main question was which task the Conference was better prepared to deal with at the present moment. In view of the difficulty of arriving at a definition the Conference seemed to be better prepared to deal with the substantive provisions first.

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One method might be to deal with the substantive provisions first during the first reading and reverse the process during the second reading.

Mr. HERMENT (Belgium) did not share the Israel representative's views. The rights and obligations of stateless persons could not be determined without knowing to whom they referred.

Mr. BROWN (United Kingdom) thought it was difficult to determine the rights of stateless persons unless it was known which persons were to be regarded as stateless. Besides, there were different kinds of stateless persons. There were, broadly speaking, two categories, *de jure* and *de facto*, and while it seemed likely that only the first category would be considered by the Conference, it was necessary to make a clear distinction. He did not see how a decision could be taken on which articles of the Convention relating to the Status of Refugees could be applied to stateless persons if statelessness was not defined, and unless some definition was arrived at before the first reading many delegations would be reluctant to take a decision.

Mr. TUNCEL (Turkey) pointed out that the Conference was one of plenipotentiaries acting upon instructions from their Governments based upon the available documentation, which did not provide for the question of definition.

Mr. VOIGT (Federal Republic of Germany) said that in general his delegation thought it more logical to start with a definition rather than with the substantive provisions, but in that particular case it thought it reasonable to invert the order. A complex definition would weaken the scope of the substantive provisions. Since everyone had some idea of what was meant by statelessness, the usual standards could be applied to the various groups of stateless persons, subject to such exceptions as might be made subsequently.

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The PRESIDENT explained that governments which voted one way during the first reading were not bound to vote the same way during the second reading. He did not

himself attach too much importance to the question. He asked the Conference to vote on whether it should, at the present stage, enter into a discussion of the question of the definition of stateless persons.

The Conference decided by 16 votes to 3 with 4 abstentions, to discuss the question of definition.

The meeting rose at 1 p.m.

Third Meeting, 14 September 1954

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

E/CONF.17/SR.3 29 September 1954

SUMMARY RECORD OF THE THIRD MEETING

Held at Headquarters, New York, on Tuesday, 14 September 1954, at 3 pm.

Contents

Revision of the draft protocol relating to the status of stateless persons in the light of the provisions of the Convention relating to the Status of Refugees of 28 July 1951 and of the observations made by the Governments concerned (E/2373 and Add.1-14; E/CONF.17/L.1 and L.2)

President: Mr. LARSEN Denmark

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REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS IN THE LIGHT OF PROVISIONS OF THE CONVENTION RELATING TO THE STATUS OF REFUGEES OF 28 JULY 1951 AND OF THE OBSERVATIONS MADE BY THE GOVERNMENTS CONCERNED (E/2373 and Add.1-14; E/CONF.17/L.1 and L.2)

The PRESIDENT invited members of the Conference to consider the definition of the term "stateless person." Observing that they had before them three texts submitted respectively by France (E/2373/Add.4), the United Kingdom (E/CONF.17/L.1) and Australia (E/CONF.17/L.2), he read the definitions proposed therein.

Mr. BROWN (United Kingdom) wished to explain certain points in regard to the definition proposed by his delegation and to indicate the reasons why it had been adopted.

The problem of statelessness had first been raised by the Commission on Human Rights, which had expressed the wish that the United Nations should give consideration to the legal status of "persons who do not enjoy the protection of any government." The Secretary-General had subsequently submitted to the Economic

and Social Council “A Study of Statelessness,” in which a distinction had been drawn between *de jure* and *de facto* stateless persons and a definition given of both categories (E/1112 and Add. 1, page 8). It might be held in some quarters that the definition of *de jure* stateless persons in that study was neither complete nor entirely satisfactory from a legal standpoint. Where *de facto* stateless persons were concerned, it was clear from the definition in the Secretary-General’s study that such persons were generally refugees, being persons who feared to return to their country of origin either because their Government refused to grant them assistance and protection, or because they themselves renounced such protection. In those circumstances, the Conference would probably not wish to take *de facto* stateless persons into account. Article 1 of the Convention relating to the Status of Refugees defined the extent to which the Contracting Parties accorded the benefits of the Convention to persons who, owing to such a fear, refused to avail themselves of the protection of their national authorities; indeed, the provisions of the article specifically excluded some

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of those persons. That being so, to bring *de facto* stateless persons under the provisions of the protocol would be tantamount to giving certain individuals, by reason of their status as stateless persons, the benefit of an arrangement from which they had been excluded in their capacity of refugees; that step was unlikely to be acceptable to the Governments which had deliberately excluded such persons at the time when the Convention relating to the Status of Refugees had been concluded.

For that reason, the United Kingdom delegation had given preference to a text confined to a definition of *de jure* stateless persons, for which purpose it had made use of the definition proposed to the International Law Commission by Mr. Hudson. That definition differed little in substance from the definition proposed by France, but had the advantage of being slightly more specific. His delegation also thought it would be better for the definition to be included in an article of the protocol and not merely in the preamble.

Some representatives might contend that the proposed definition was negative. The United Kingdom delegation was well aware of that fact, but statelessness unfortunately was a negative concept, which it was difficult, if not impossible, to define in positive terms. The United Kingdom Government had also feared that some countries would find it difficult to apply a formula which was too vague and couched in very general terms; it had therefore restricted the scope of the definition by excluding, in article 2, certain categories of persons selected in the light of the Conference’s discussion of the status of refugees and of the observations of Governments. Clearly, stateless persons covered by the provisions of the Convention

relating to the Status of Refugees should not also be protected by the protocol; the first sentence of article 2 had been drafted with that end in view. The second sentence stipulated, as was logical, that the protocol should not apply to stateless persons excluded, under sections D, E and F of article 1, from the benefits of the Convention relating to the Status of Refugees. Recapitulating the categories of persons covered by those sections, he pointed out that section F dealt specifically with the persons referred to in paragraph C of the Australian text; in the circumstances, the Conference would have to decide whether the full text of section F should be incorporated in the protocol or whether a reference to it would be sufficient.

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The question of specifying a limitation of time and place had already been discussed at length at Geneva. The final decision had been that each State would have to decide, at the time the Convention relating to the Status of Refugees was signed and ratified, whether, so far as it was concerned, the Convention should be applied to persons who had become refugees following events occurring before 1 January 1951 in Europe, or both in Europe and elsewhere. Under the United Kingdom text, the protocol would not be applicable to refugees within the meaning of article 1 of the Convention relating to the Status of Refugees; that created a problem, as the countries which, in the case of the Convention relating to the Status of Refugees, had interpreted the words "events occurring before 1 January 1951" as events occurring in Europe only, might consider that the protocol excluded only refugees who were victims of events occurring in Europe and not persons who had become refugees as a result of events occurring elsewhere. In order to remove all ambiguity, it would therefore be better to stipulate that, for the purposes of the protocol, the words in question should be interpreted as referring to events occurring in Europe or elsewhere.

He agreed with some of the representatives, who had commented on the Australian proposal, that the concept of a limitation of time was perhaps out of place in a protocol relating to stateless persons; a person might, in fact, become a stateless person as a result of circumstances unconnected with international events, for example, as a result of birth or, in the case of a woman, as a result of marriage with a stateless person. But he appreciated the reasons why the Australian representative had laid special emphasis on the point and hoped that article 2, paragraph 2, of the United Kingdom text would meet the Australian delegation's position.

Mr. LOOMES (Australia) pointed out that in his text he had tried to follow the definition submitted to the International Law Commission as closely as possible and that he had also excluded from the protocol persons covered by the Convention

relating to the Status of Refugees. With regard to paragraph B, his delegation attached particular importance to the inclusion of an article prescribing a limitation of time and place.

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The point at issue was in fact how the Conference should interpret its terms of reference and the circumstances in which the United Nations had begun its work on the question of stateless persons had a bearing on that. Events occurring during and after the last World War had made the problem of refugees and stateless persons particularly acute; it had been with a view to alleviating that specific situation that the United Nations had made efforts to solve the problem. So far as possible, the problem of refugees had been solved by the adoption of the 1951 Convention, while that of stateless persons was still unsolved. In view of its extreme urgency, there had unquestionably been good reason for giving priority to the problem of refugees and it was also true that there were big differences between refugees and stateless persons. The fact remained, however, that the studies of both questions had been initiated in the same circumstances and had been intended to be carried out simultaneously.

At the time when the Convention relating to the Status of Refugees was being drafted, it had been thought necessary to retain the concept of a limitation of time and place; nor had any attempt been made to adopt provisions covering persons who might become refugees in the future. That was quite natural, since it was a question of dealing with a specific situation and since, in any event, provisions relating to refugees must necessarily be related to the circumstances and no one could foresee what the circumstances might be in the future. There appeared to be no reason, therefore, why the same principle should not be followed in regard to statelessness. It really seemed as though the Conference was interpreting its terms of reference too broadly and in that connexion attention should be drawn to document E/CONF.17/4, paragraph 33, which set forth the opinion of the International Law Commission on the purpose of the Conference and the relation of its work to that of the Commission. It was clear from paragraph 36 of that document that the problem of statelessness was extremely complex and would require much work on the part of United Nations organs. The task of the Conference was limited—it had to complete the work it had undertaken in 1951 without attempting to prepare an international instrument capable of future application. The aim of the United Nations was to eliminate present cases of

statelessness and to ensure that new cases did not arise. That was the long-term goal, and the Conference was being asked to take temporary steps to cope with the existing situation. If necessary, another conference on the problem of stateless persons could be called in the future in light of new circumstances. It was nevertheless quite impossible and dangerous for the Conference not to confine itself to provision relating to present conditions and he could not commit his Government to a protocol containing provisions applicable in the future and adopted without knowing what the future would hold.

Adoption of a protocol such as that suggested by the *Ad Hoc* Committee or by the United Kingdom delegation would be tantamount to determining the future status of refugees who were stateless persons.

The Belgian representative had observed that by retaining a restricted definition such as that proposed by Australia, the stateless child born after 1 January 1951 of stateless parents would not benefit from the provisions of the Protocol. That criticism, inspired by humanitarian considerations, was theoretically valid, but had little practical value. First, several States granted nationality to children born in their territory and consequently the number of children born stateless was small; secondly, it was difficult to believe that a State would accord a less favourable fate to stateless children than to their parents, and consequently if the parents were stateless as a result of events occurring before 1 January 1951, it was likely that the provisions applicable to them would also be applicable to their children. The International Law Commission's work on the elimination of existing statelessness was aimed precisely at such cases.

As some representatives had pointed out, the object should be to ensure the greatest possible number of ratifications of the Protocol. It was also obvious that the provisions regulating the status of stateless persons were essentially temporary, as they would, no longer be applicable when a stateless person acquired a nationality.

Finally, he repeated that the Conference must confine itself to practical considerations and tackle the problem in its present form without complicating the situation by dealing with general and theoretical considerations.

Mr. AYCINENA (Guatemala) stated that his Government was ready to give very close attention to any instrument drawn up on the status of stateless persons, as the problem was profoundly humanitarian. However, his Government might not be able to sign a protocol relating only to persons who had become stateless as a result

of events occurring before 1 January 1951. In Guatemala, as well as in many other Latin American countries, the refugee problem was not mainly the result of events occurring before 1 January 1951. Guatemala intended to grant all refugees just and equitable treatment, irrespective of the date of the events which caused their condition, and it could not accept a text which provided for a limitation of time.

MR. TRUJILLO (Ecuador), referring to the three factors in the Australian definition of the term “stateless person,” stated that under the definition the term could be applied only to persons who had become “stateless as a result of events occurring before 1 January 1951.” That was the first feature that was unacceptable to his country. It was contrary to one of the general principles of law: that an act could not be retroactive and could only be applied to present or future cases. It would also be difficult in practice for his country to apply the proposed protocol because there were no persons there who had become stateless as a result of events occurring before that date. Lastly, if that legal situation was a result of events occurring before 1951, it was always possible that the same problem would recur, for example, if international peace were to be disturbed. The question therefore was not settlement of the existing problem of statelessness, but solution of a future problem. In certain cases a law should undoubtedly be applied retroactively, but he believed that the first factor in the Australian definition would have the effect making a unique exception of statelessness.

Neither would the term “statelessness” apply to a person “who was not covered by the Convention relating to the Status of Refugees dated 28 July 1951.” That was a second factor in the definition that was unacceptable to Ecuador and probably

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to many other American States, as most of them were not parties to the Convention relating to the Status of Refugees and it would be difficult for them to subordinate the application of their legislation to a provision it did not contain.

The real definition of the term “stateless person” was therefore to be found in the third factor in the Australian definition. The term would apply to any person who “was not considered as a national by any State according to its law.” That vital factor was also to be found in the definition proposed by the United Kingdom delegation (article 1), which had nevertheless felt obliged to add the same restrictive clauses, with the result that it would be impossible for Ecuador to accede to the protocol. He therefore asked whether the Australian representative would agree to divide his definition into three parts, which could be considered separately, so that each country could come to a separate decision on each one.

The PRESIDENT, speaking as representative of Denmark, recalled the reasons why the 1951 Geneva Conference had restricted the definition of the term “refugee.” Statelessness had existed for a long time, in fact ever since there had been States, and all that could be done would result only in limiting the number or the gravity of cases of statelessness. In that respect the proposed protocol could be very useful. The situation was quite different with regard to the problem of refugees. Countries might suddenly find themselves faced by an influx of persons driven from their countries as a result of unexpected events, or because they belonged to a certain race or religion, or because they held political or other opinions which had become blameworthy. Even countries which sincerely desired to help persons in such difficult situations could not realize the extent of burden that they would be accepting or the difficulties which would face them in many fields. That was why the Conference relating to the Status of Refugees at Geneva in 1951 had considered that, if tangible results were to be attained, it would have to adopt certain restrictions to make the draft convention acceptable to the majority of countries which did not want to sign a “blank cheque” for the future. On the other hand, it would be very difficult to agree to the

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same restrictions with respect to stateless persons and to formulate them in precise terms even if they were adopted. There were possible cases of statelessness, in which it would be difficult to determine whether the restrictions in question were applicable or not. Statelessness was not a problem relating to a specific group of persons at a given moment, but a problem that had always existed. It was also unlikely that the protocol would grant stateless persons privileges or rights more extensive than those which the Convention relating to the Status of Refugees granted to refugees. It was therefore of little consequence whether the protocol applied to persons who were already protected by the Convention relating to the Status of Refugees, as, if a State were a party to both instruments, it would be natural for it to apply the more advantageous text to a person who was both a refugee and stateless. While some limitations were necessary, time should not be wasted solely because the Conference on the Status of Refugees had hesitated to sign too many “blank cheques” on the future. In the matter of statelessness those blank cheques did not exist.

Mr. TUNCEL (Turkey) also thought that the definitions proposed by Australia and the United Kingdom took too much account of the definition of “refugee” in the Geneva Convention. The cases of the refugee and of the stateless person were very different in many respects and it was unnecessary to discuss the meaning of the term “stateless person” exhaustively. One representative had referred to the definition in the French Government’s communication. However that communication did not include any precise definition, but simply stated that “it

seemed desirable to include a definition of the term 'stateless person' in the preamble to the protocol." If the Conference adopted a definition of stateless persons, some existing difficulties undoubtedly disappear, but if the definition were made subject to restrictions, several delegations would oppose it and would be unable to sign the protocol. He therefore considered that a very precise definition, such as those proposed by Australia or the United Kingdom, should not be adopted but that a general definition, such as that proposed in the French communication, should be included in the preamble.

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In the view of Mr. JOBEZ (France), the Danish representative had already shown in his statement that there was no generally satisfactory definition. There was really no appreciable difference between the various definitions before the Conference; hence the preamble of the revised text of the protocol proposed by France merely noted the existence of statelessness and made no attempt to define it. Any definition required a detailed study of the various cases of statelessness, and each stateless person was a separate case. The Conference should accordingly adopt a definition in very general terms capable of covering all possible cases.

Mr. ROBINSON (Israel) reminded members that the Conference had been called for a limited purpose. Statelessness was an ageless problem which had existed since ancient times. Its very permanence made it necessary to distinguish between the status of refugees and that of stateless persons. In the definition of the term "refugee," given in article 1A(2) of the Convention relating to the Status of Refugees, there was an element of persecution and fear which did not apply to stateless persons. Statelessness was due to the existence of certain facts which could not be ignored: the fact that there were eighty sovereign States and the fact that the problem of nationality fell within the domestic jurisdiction of each of those eighty States. Statelessness was therefore a permanent feature of human society, and the problem of the present Conference was not to eliminate statelessness or to reduce existing statelessness but to improve the condition of stateless persons. The resounding failure of the Hague Conference for the Codification of International Law showed that it was difficult to eliminate statelessness quickly and that the problem was not of a transitory nature, for everyone knew that temporary situations often became permanent. Thus the Conference's objective was solely to improve the condition of stateless persons.

Turning to the definition of the term "stateless person", he then considered the three possibilities before the Conference. First the term might be left undefined. After ratification, a gap would then appear in the protocol which would have to be filled either by every stateless person or by every State party to the protocol. There

would thus emerge a protocol which would be applied differently in every State; in fact there would be as many protocols as

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ratifying States. Next there was the possibility of introducing an element of definition into the preamble without adopting an exact definition. But the States parties to the protocol might not consider themselves bound by the preamble as they were bound by the operative part, and the definition in the preamble might not be mandatory. Moreover, if the preamble contained, not an actual definition, but merely a statement of the type proposed in the French text, even States which considered both the preamble and the operative part as binding upon them would be able to maintain that the Conference had not intended to introduce a definition into the preamble. That being so it would be difficult to determine to whom the protocol was applicable.

Lastly, a precise definition of the stateless person could be adopted. It would be desirable in that case not to burden States with too great difficulties but to draw up a kind of law-making treaty incorporating the points acceptable to all. It was admittedly impossible to achieve unanimity at international conferences, but such a treaty could secure a majority of votes, while admitting reservations. The prospect of reservations should not, however, frighten them, since it often happened that a country ratified an international convention with reservations but withdrew those reservations later.

With regard to article 1 of the United Kingdom proposal, the words "according to its law" implied that nationality laws provided for every case of acquisition and loss of nationality. That was not true, however; on the contrary, such laws allowed Governments more or less latitude. Hence that very clause would have the effect of excluding certain classes of stateless persons from the benefits of the proposed protocol.

The assertion that refugees to whom the 1951 Convention was applicable should not be able to avail themselves of a new international instrument was based on the assumption that States bound by the 1951 Convention would also be bound by the protocol relating to the status of stateless persons. Care must be taken, however, to avoid a situation in which stateless persons residing in States which had refused to accede to the 1951 Convention but acceded to the protocol might be automatically excluded from the benefits of that Convention. Furthermore it was desirable to define stateless persons, not in the abstract, but in detail, as had been done in the case of refugees. All members of the Conference would probably agree that a definition of stateless persons should

include persons who were unprotected. Since statelessness had been a scourge some forty years, the Conference should consider the unhappy situation of the children of stateless persons, and members would recall recommendation B in the Final Act of the 1951 Conference, which had been adopted on the proposal of the Holy See representative. For humanitarian reasons a similar provision should be included in the protocol relating to the status of stateless persons.

He would reserve his position on the question of so-called *de facto* statelessness because the difference from *de jure* statelessness was not clear to him, and he wished to learn what the real intentions of the Australian and United Kingdom representatives had been in proposing 1 January 1951 as the final date (E/CONF.17/L.2 and L.1). Once the questions of principle had been settled, a drafting committee should be appointed to draw up a definition acceptable to the majority of the members of the Conference.

Mr. BOZOVIC (Yugoslavia) felt that a clear definition of the term "stateless person" was needed in order to remove any doubt as to the range of application of the protocol which the Conference was to draw up. At the Geneva Conference in 1951, the Yugoslav delegation had alone opposed a restrictive definition of the term "refugee." The Yugoslav delegation was likewise opposed to any restrictive definition of the type proposed by the Australian representative and any definition which included *de facto* stateless persons. The Australian definition was obviously based on political considerations, namely the wish to avoid an influx of persons collectively deprived of their nationality by their Government; if, however, it was desired to improve the condition of stateless persons, there was no reason to exclude persons who had become stateless after 1 January 1951 because they had been born or had married a stateless person after that date.

The Yugoslav delegation was in favour of article 1 of the United Kingdom proposal (E/CONF.17/L.1), particularly if it was amended as indicated by the Israel representative. The first sentence of article 2, paragraph 1, was useless, and only the second sentence should be retained. The Yugoslav

delegation was unable to accept article 2, paragraph 2 of the United Kingdom proposal for the reasons which prevented it from accepting the Australian proposal.

With regard to the Israel representative's remarks, there was no reason to fear that the reference to the Geneva Convention relating to the Status of Refugees would prevent States which had not acceded to that Convention from acceding to the

instrument relating to the status of stateless persons. It was inconceivable that a State would be willing to allow a refugee who had been one of its nationals to enjoy the status of a stateless person. The new instrument should accordingly apply to every person who was not regarded as a national by any signatory State. He endorsed the Israel representative's remarks concerning the children of stateless persons, but *de facto* stateless persons who refused to claim the nationality of a State and sought to enjoy the status of stateless persons in their State of residence as a means of avoiding all obligations towards that State should be excluded.

Mr. VOIGT (Federal Republic of Germany) noted, in connexion with the definitions proposed by the United Kingdom and Australian representatives (E/CONF.17/L.1 and L.2), that it was sometimes difficult to determine whether a person was or was not a national of a particular State. That disadvantage might be avoided by the addition of the words: "or whose nationality cannot immediately be established." He agreed with the United Kingdom representative as to the necessity of excluding *de facto* stateless persons.

Mr. BROWN (United Kingdom) said that he had been agreeably surprised to hear his definition criticized as too restrictive; his delegation was perfectly willing to enlarge on it. The sole aim of his proposal had been to avoid possible difficulties by taking into account the observations received from Governments concerning the draft protocol relating to the status of stateless persons and the attitude taken by the various delegations at the Geneva Conference. It was true that the words "according to its law" might give rise to some difficulties, but it did not seem possible to define the

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expression "stateless person" in other than negative terms. He was prepared to consider deleting the first sentence of article 2, paragraph 1, of his proposal; it had been drafted at a time when he had thought that a single instrument would be prepared relating to both refugees and stateless persons. Paragraph 2 could then also be deleted, for it was an explanation of article 1 of the Convention relating to the Status of Refugees. In the second sentence of article 2, paragraph 1, the reference to sections D and E, which concerned particular cases, could be deleted, if no delegation was interested in its retention but the reference to section F, concerning criminals, must be retained.

He thanked the Yugoslav and German representatives for their remarks concerning *de facto* stateless persons. Since the 1951 Convention excluded certain refugees from enjoyment of the status of refugee, it seemed logical that persons who sought to escape their national obligations should not be eligible to enjoy the status of

stateless persons.

Mr. LOOMES (Australia) noted that the chief criticism levelled at the definition submitted by his delegation (E/CONF.17/L.2) was that it came very close to the definition given in the 1951 Convention relating to Refugees. His delegation had always taken the view that the Conference had limited terms of reference and was in effect only a continuation of the Geneva Conference. In its studies the *Ad Hoc* Committee had taken the view that the problem of refugees and that of stateless persons constituted a single problem and that it was merely a matter of protecting certain persons who found themselves in a difficult situation as a result of certain events. The Australian delegation had submitted its proposal in that spirit, but it appeared to be the desire of some delegations to widen the Conference's terms of reference.

The meeting rose at 5.45 p.m.

Fourth Meeting, 15 September 1954

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/SR.4 29 September 1954

CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

SUMMARY RECORD OF THE FOURTH MEETING

Held at Headquarters, New York, on Wednesday, 15 September 1954, at 10:30 a.m.

Contents

Revision of the draft Protocol relating to the Status of Stateless Persons in the light of the provisions of the Convention relating to the Status of Refugees of 28 July 1951 and of the observations made by the Governments concerned (E/2373 and Add.1-14, E/CONF.17/L.1-4) (continued)

President: Mr. LARSEN Denmark

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REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS IN THE LIGHT OF THE PROVISIONS OF THE CONVENTION RELATING TO THE STATUS OF REFUGEES OF 28 JULY 1951 AND OF THE OBSERVATIONS MADE BY THE GOVERNMENTS CONCERNED (E/2373 and Add.1-14, E/CONF.17/L.1-4) (continued)

Mr. SCHELTEMA (Netherlands) was not sure that the Conference could succeed in finding an all-embracing definition of statelessness. In any event, his delegation favoured the broadest practicable definition and therefore supported the views expressed by the United Kingdom representative at the previous meeting. For the same reason, it would oppose the restrictive definition put forward by the Australian delegation (E/CONF.17/L.2); there were no grounds for applying the 1 January 1951 limitation, well-founded in the case of refugees, to stateless persons.

He agreed with the Israel representative's suggestion at the previous meeting that, instead of seeking to reduce the scope of the proposed international instrument to the lowest common denominator, the Conference should draft an instrument along reasonably broad lines, leaving it to each contracting party to express its reservations at the time of signature.

There was an important aspect of statelessness that the Conference would have to take into account: the distinction between voluntary and involuntary statelessness. He doubted whether that distinction needed to be made in the definition under consideration, but reserved the right to return to the subject at the appropriate stage.

Mr. HERMENT (Belgium) observed that the discussion at the previous meeting had led him to conclude that a majority favoured the inclusion of a definition of the term “stateless persons” in the body of the text rather than in a preamble. Article 1 of the United Kingdom draft (E/CONF.17/L.1) gave the widest possible scope to the definition of stateless persons, although the persons concerned might find it difficult to supply proof that they were not considered nationals by any State. On the other hand, *de facto* stateless persons would not obtain the same benefits under the new instrument as *bona fide* refugees obtained in countries which had ratified the 1951 Convention. The Conference might well contemplate giving certain categories of *de facto* persons

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benefits similar to those enjoyed by such refugees. Care should be taken, however, to exclude *non bona fide* stateless persons, those who renounced their nationality for personal reasons, sometimes somewhat shady ones. It would be for the authorities of the country of residence to decide whether the reasons for renunciation were valid. That could be expressed by the form of words which he was submitting (E/CONF.17.L.3) as an addition to article 1 of the United Kingdom draft. He hoped that the United Kingdom and Australian representatives would not press the limitations embodied in their drafts, in view of the consensus of opinion against them. The reference to events occurring before 1 January 1951 would affect only such stateless persons as had become stateless as a result of political events, whereas the Conference’s terms of reference covered the protection of all stateless persons, regardless of the cause of their statelessness.

Mr. GRANDJEAN (Switzerland) agreed that it would be wise to define the *de jure* and *de facto* stateless persons in categories. The question of including any other categories might be left until later.

Mr. HOLMBACK (Sweden) agreed with the Netherlands representative that the instrument would be most useful if broadly based, and, in particular, that there should be no limitation as to time. Accordingly, he could not support the Australian proposal, but would be in favour of the United Kingdom draft if article 2, paragraph 2 were deleted.

Miss SENDER (International Confederation of Free Trade Unions) pointed out how statelessness arose as a result of military and political events, or conflicting nationality laws, through no fault of the persons concerned, and urged the Conference not to permit fear of non-ratification to induce it to adopt a text that was of little or no value to stateless persons. Such a result would only be damaging to the prestige of the United Nations.

Labour was particularly interested in the problem because stateless persons were often exposed to insecurity of employment. The groundwork for the elimination of statelessness would be laid if equal treatment were accorded to stateless persons by all countries. By the same token it would be inadvisable to exclude from the benefits of the international instrument persons who became stateless after a certain date.

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Mr. TUNCEL (Turkey) briefly reviewed the history of United Nations consideration of the problem of statelessness and concluded that the present Conference was the first body under United Nations auspices to undertake a definition of statelessness. In view of that background, it would be better if no attempt were made to arrive at a restrictive definition, and for that reason his delegation would have to oppose the Australian proposal.

He agreed with the Israel suggestion, supported by the Netherlands representative, that signatories should be permitted to express reservations, but wished to make it clear that, while his delegation did not object to any the benefits proposed, it might have to reserve its position on the definition of a stateless person eventually adopted.

In that connexion, the representative of the Federal Republic of Germany had made an interesting suggestion at the previous meeting and he wondered whether Mr. Voigt would be willing to explain it further.

Mr. VOIGT (Federal Republic of Germany) supported the views of the Netherlands and Belgian representatives. He agreed that the definition should be in general terms and thought that any attempt at classification by source of statelessness should be deferred, at least until the benefits to be accorded to stateless persons were examined.

No country of residence could dispute the declaration a country of origin that it had deprived a person of his nationality. The status of such a person was clear. The difficulty arose in cases where there was no definite resolution of the question of status owing to the unwillingness of the country of origin to reply to inquiries or for

other reasons. It would be dangerous to define such persons as stateless.

The best way to provide for the latter contingency would be the inclusion of a clause giving the contracting States the option of granting the benefits accorded to stateless persons to any person who renounced his nationality or who was not claimed by his country of origin, or the use of some other formula along similar lines.

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He would submit such a text and it could be added to the United Kingdom definition, which he considered satisfactory except for the phrase "according to its law." As the Israel representative had pointed out, no State could question the decision of another State on the grounds that it was not in accordance with the latter's law and the phrase in question, which was really unnecessary, was open to misinterpretation.

Mr. HERMENT (Belgium) deprecated any unduly legalistic definition, since the definition was for the purposes of the instrument only.

Mr. AYCINENA (Guatemala) said that he supported the idea of a broad definition without limitations as to time or place. He was certain that any Latin American country would be bound to share that view.

Mr. JOBEZ (France) observed that the formulation in the French draft (E/2373/Add.4) met the objection that a State might try to claim the right to treat as its nationals persons who had renounced their nationality, and thus covered the doubtful cases to which reference had been made.

Mr. LOOMES (Australia) said that, in view of the consensus of opinion against his delegation's proposal (E/CONF.17/L.2), he would not press for a vote on it, but he must reiterate that his Government regarded the limitations embodied therein as of vital importance and accordingly he must reserve his Government's position as to the signature of any instrument that did not include them.

Mr. BOZOVIC (Yugoslavia) said that he feared the Belgian draft (E/CONF.17/L.3) might lead to serious misunderstandings. If the State of residence were left to decide what nationals other than its own it could protect each State might interpret such a power differently. Since that would entail a subjective judgment by the State concerned, other States would not know the criteria on which the State had made its decision. The Belgian proposal amounted to a proposal that stateless persons should be assimilated to *bona fide* political

refugees, that they were not covered by the provisions of article 1F of the 1951 Convention. That went too far. Certainly, a State could protect the former nationals of other States so long as they were in its own territory, but it could not extend protection to them when they were in the territory of the State whose nationality they had lost or renounced. Furthermore, if a State claimed a person who had invoked valid reasons for renouncing his nationality, international disputes might arise. He could not agree with the representative of the Federal Republic of Germany that such a claim could not be contested. The definition should accordingly stipulate that the obligations and rights set forth in the instrument should apply only to persons who were not considered as its nationals by any State. Any addition might endanger the chances of obtaining the greatest possible number of signatures. The definition of *de jure* stateless persons should be retained, and any State which so desired could always extend the definition for stateless persons in its own territory.

Mr. HERMENT (Belgium) thought the Yugoslav representative's apprehensions exaggerated. The instrument would cover merely situations in the country of residence. No foreign government would be likely to oppose an extension of rights to persons resident in the territory of another State; it would have no reason to do so. If a foreign State should raise an objection, the State of residence would simply point out that the situation fell entirely within the purview of its own domestic law. Stateless persons might thus receive the same protection as refugees and even be provided with travel documents.

Mr. BOZOVIC (Yugoslavia) asked whether travel documents would be issued to *de facto* stateless persons as refugees or stateless persons. If they were issued to them as refugees, non-Signatory States to the 1951 Convention would not recognize them; if the documents were issued to them as stateless persons, they would not be valid for States not signing the instrument under consideration.

Mr. HERMENT (Belgium) replied that there was no reason why travel documents should not be issued to *de facto* stateless persons. They would be recognized by States which signed the instrument, regardless of whether they had signed the 1951 Convention. If non-Signatory States refused to validate

them, other arrangements could be made. There was nothing novel in extending such protection; the only exception was that protection could not be extended by a State to persons whose renunciation of nationality had been recognized by that

State, but who had returned to the State of their original nationality.

Mr. de BARROS GOMES (Brazil) said that the question of refugees and that of stateless persons were similar and the Conference should therefore base its work on the 1951 Convention relating to the Status of Refugees. The aim should be to give stateless persons the same rights, protection and guarantees as those granted to refugees under the Convention. In view of his country's liberal policy with regard to refugees and stateless persons he was prepared to accept any useful proposal but he preferred the Belgian text as the restrictions in it were the most acceptable to his Government.

Mr. DONS (Norway) thought that the definition should be included in the final instrument in the form of one or two separate articles rather than being embodied in the preamble. It was desirable that it should cover only *de jure* statelessness and should not be extended to include *de facto* stateless persons. His Government also considered that the instrument should contain as few restrictions as possible and was to a large extent in favour of the United Kingdom proposal, subject, however, to certain modifications. For instance, there might be an amendment to article 1 to the effect that the term "stateless persons" should be interpreted as meaning persons not found to be nationals of any State.

Mr. BOZOVIC (Yugoslavia) agreed with the Norwegian representative as to the definition. In that connexion he also wished to draw attention to the definitions given on pages 8 and 9 of the Study of Statelessness published by the United Nations (E/1112).

Mr. TUNCEL (Turkey) thought that all the proposals made, particularly that of the United Kingdom, attached excessive importance to the views of the country of origin without sufficient regard being paid to the interests of the individuals concerned. The Conference should not overlook the Universal Declaration of Human Rights which spoke of the dignity and rights of all human beings.

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The PRESIDENT drew attention to the Israel proposal (E/CONF.17/L.4), which had just been circulated. He proposed that a committee should be appointed to draft a definition of statelessness which would take the alternative proposals into consideration.

Mr. CARIAS (Honduras) proposed that the drafting committee should consist of the President and the representatives of Australia, Belgium, Brazil, the Federal Republic of Germany, France, Israel and the United Kingdom.

It was so decided.

The meeting rose at 12.20 p.m.

Fifth Meeting, 15 September 1954

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/CONF.17/SR.5 29 September 1954

CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

SUMMARY RECORD OF THE FIFTH MEETING

Held at Headquarters, New York, on Wednesday, 15 September 1954, at 3.10 p.m.

Contents

Revision of the draft protocol relating to the status of stateless persons in the light of the provisions of the Convention relating to the status of refugees of 28 July 1951 and the observations made by the Governments concerned (E/2373 and Add.1 to 14; A/CONF.2/108/Rev.1; E/CONF.17/3)

President: Mr. LARSEN Denmark

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REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS IN THE LIGHT OF THE PROVISIONS OF THE CONVENTION RELATING TO THE STATUS OF REFUGEES OF 28 JULY 1951 AND THE OBSERVATIONS MADE BY THE GOVERNMENTS CONCERNED (E/2373 AND ADD.1 TO 14; A/CONF.2/108/REV.1; E/CONF.17/3)

The PRESIDENT said that the Drafting Committee instructed to define the term “stateless” had not completed its work and would meet again on Thursday, 16 September, at 9.30 a.m. The Conference would therefore meet at 11.30 a.m. He suggested that the Conference should examine the substantive provisions to be applied to stateless persons, taking as a basis for its work the Secretary-General’s memorandum on the draft protocol relating to the status of stateless persons (E/CONF.17/3), beginning with article 2 (paragraph 31 of the memorandum).

It was so decided.

Article 2

The PRESIDENT suggested that a similar text should be used in the instrument on

the status of stateless persons.

It was so decided.

Article 3

Mr. BOZOVIC (Yugoslavia) asked whether the article in question might not be interpreted as authorizing any discrimination which did not relate to race, religion or country of origin.

The PRESIDENT pointed out that the fact of prohibiting one type of action did not imply that another type was permitted.

Mr. BOZOVIC (Yugoslavia) agreed with that way of thinking, but thought it would be better if the end of article 2 were drafted as follows: “without discrimination, especially as to race, sex, religion or country of origin.”

Mr. SCHELTEMA (Netherlands) thought the Yugoslav amendment acceptable, but pointed out that the present wording usual and appeared in many United Nations documents.

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Mr. TUNCEL (Turkey) thought that, the Yugoslav amendment raised the question of principle of the meaning of the term *mutatis mutandis* which appeared in the preamble to the draft protocol prepared by the *Ad Hoc* Committee. The Turkish delegation considered that the Conference was merely entrusted with making any amendments to the Geneva Convention which it considered essential.

Mr. LOOMES (Australia) supported the Turkish representative's point of view. Examination of amendments to each article would end in the preparation of a simple protocol being abandoned. As the representative of Israel had said, the limited time at the Conference's disposal was an important factor, and it should express its opinion without delay on the meaning it intended to give to the expression “*mutatis mutandis*.”

The PRESIDENT recalled that at the Geneva Conference the Yugoslav delegation had not succeeded in getting its opinion accepted as regards article 3.

Mr. BOZOVIC (Yugoslavia) said that the rejection at Geneva of the Yugoslav amendment to article 3 had led his delegation to abstain from voting on article 3 of the Convention as a whole, and he thought it desirable for the Conference to decide whether it intended to draft a convention or a protocol. Like the Netherlands representative, he considered it advisable for the wording which already appeared

in United Nations documents to be used and pointed out that discrimination as to sex was mentioned in the United Nations Charter.

Mr. LIVERAN (Israel) wished to explain that his delegation had suggested a plan of work based on practical considerations, believing that it would be wise not to try to amend the articles of the Geneva Convention, but to restrict itself to deciding whether or not to insert then in the instrument on the status of stateless persons.

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Mr. DONS (Norway) supported the remarks of the Turkish and Australian representatives and feared that the method recommended by the Yugoslav representative might cause difficulties of interpretation as regards the Convention relating to the status of refugees. If discrimination as to sex was mentioned, discrimination as to language should be mentioned, as it was in the United Nations Charter.

The PRESIDENT emphasized that, as the Conference was a conference of plenipotentiaries, delegations were not bound by the wording of the Convention relating to the status of refugees. He suggested that when the Conference had completed the first reading of the substantive clauses, it should decide, in the light of the amendments submitted during the course of that examination, whether it would draft a protocol or a convention.

Mr. SCHELTEMA (Netherlands) considered that it was not for the Conference to amend the articles of the Geneva Convention. The Yugoslav amendment was not justified by the difference between refugees and stateless persons and should not be put to the vote.

Mr. BROWN (United Kingdom) agreed with the representatives of the Netherlands, Norway, Turkey and Australia that that no substantive amendment to the articles of the Geneva Convention should be permitted. Those articles were the result of long debates and were a compromise which should not be reconsidered. He could not therefore support the President's suggestion and proposed that the Conference should not permit any substantive amendment at the present time.

Mr. HERMENT (Belgium) emphasized that, as the Geneva Convention was already in force, a certain body of case law had been built up around it and that by adding discrimination as to sex, as suggested by the Yugoslav representative, the present interpretation of article 3 of the Convention might be changed.

Mr. LIVERAN (Israel) supported the United Kingdom proposal on condition that it was understood that it was based on practical considerations, and that the

Conference would remain free to draft an instrument in the form it deemed best, not necessarily a protocol.

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Mr. AYCICENA (Guatemala) said that his delegation could support the Yugoslav amendment, but he pointed out that countries which exercised discrimination would not fail to submit reservations in connexion with that wording.

Mr. BOZOVIC (Yugoslavia) said that in submitting its amendment, his delegation was merely trying to facilitate the Conference's work. The Conference had not been asked merely to accept or reject the text adopted by the Geneva Conference. It must improve that text, if necessary, and be free to revise the Geneva Convention later. His delegation could not support the kind of proposal submitted by the United Kingdom representative, which would limit the powers of the members of the Conference.

The PRESIDENT, speaking as representative of Denmark, said that, like the Netherlands representative, he thought the Conference had been asked to determine whether the provisions of the Convention relating to the status of refugees could be applied to stateless persons. Accordingly, while he was prepared to accept amendments based on the differences between those two groups, it was essential to eschew any proposal which would constitute a new provision.

The Geneva Convention itself provided for certain types of discrimination based on sex, as for example in article 24 paragraph 1(b), which dealt with legal provisions in respect of maternity. With regard to the United Kingdom proposal, he said that many amendments had been submitted at Geneva and he was afraid that, if amendments were accepted only on second reading, the Drafting Committee would be faced with an overwhelming task.

Mr. BROWN (United Kingdom) explained that his proposal related only to substantive amendments, which should not be accepted at any stage lest the Conference's task become excessively complicated. He supported the Israel representative's interpretation of his proposal. It would be better not to accept amendments which would alter the status of a stateless person as provided in the Convention relating to the status of refugees, for such amendments would compel the members of the Conference to consult their Governments and might give rise to endless debate.

Mr. BOZOVIC (Yugoslavia) said he would be prepared to withdraw his amendment if he were permitted to reintroduce it as soon as the Conference had decided upon the kind of instrument to be drafted. He would vote against the United Kingdom proposal and drew the President's attention to the fact that the inclusion of provisions in favour of maternity did not constitute discrimination but rather recognition of a debt of society.

Mr. HERMENT (Belgium) thought that the Conference was completely free to change the status of refugees; countries which had granted refugees a certain status were in no way obliged to grant the same status to stateless persons.

Mr. VOIGT (Federal Republic of Germany) endorsed the Belgian representative's remarks, but added that in all other matters the Conference should make only the changes which were strictly necessary.

Mr. TUNCEL (Turkey) supported the United Kingdom representative's interpretation of the Conference's terms of reference. With reference to the Belgian representative's statement, he pointed out that the status could be amended by reservations.

Mr. JOBEZ (France) agreed with the Turkish representative's comments. If the list of rights accorded to stateless persons were any longer than that given in the revised text of the protocol submitted by his Government (E/2373/Add.4), his Government would submit a number of reservations which he would explain at the appropriate time.

Mr. HERMENT (Belgium) did not think that the Conference should follow the method of work suggested by the Turkish representative. It was premature

to ask representatives at that stage to make known the reservations which their Governments would submit when they came to ratify the proposed instrument. It would be better to discuss each article separately and to decide, in the light of the debate, which provisions could in general be applied to stateless persons. Furthermore, that was the procedure which the members of the Conference had agreed upon.

Mr. BOZOVIC (Yugoslavia) thought, like the Belgian representative, that it would be better not to put the United Kingdom procedural motion to the vote. As he had already said, his delegation withdrew its amendment to article 5 but reserved the

right to re-introduce the amendment if the Conference decided to draft a separate instrument, as his Government hoped it would. The Conference could therefore decide to examine the various articles and the representatives could express their views on each, with the understanding that each delegation could submit amendments later, if the Conference did not limit itself to the drafting of a protocol.

The question of what should be understood by a substantive amendment could not but cause serious difficulties inasmuch as all delegations would probably not agree that a particular amendment affected the substance and not merely the form of a particular article. That was a further reason for avoiding a vote on the United Kingdom motion.

Lastly, he emphasized that in his view the Conference should not work too hurriedly, on the ground that it was somewhat pressed for time.

Mr. SCHELTEMA (Netherlands) shared the United Kingdom representative's views. Nevertheless, as it seemed likely that a vote on the United Kingdom motion would create difficulties for a number of delegations and since the Yugoslav delegation had withdrawn an apparently controversial amendment, he suggested that the Conference should adopt the proposal just made by the Yugoslav representative.

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Mr. BROWN (United Kingdom) agreed that, since the Yugoslav amendment had been withdrawn, the Conference could resume consideration of the various articles and might make rather rapid progress. He therefore withdrew his proposal. He urged the delegations, however, to propose substantive amendments only if they would obviously improve the existing text and to avoid submitting amendments which had been discussed at length and rejected at Geneva, in order not to re-open old disputes and delay the work of the Conference unduly.

The PRESIDENT said that he well understood that some Governments would have special reasons to accord stateless persons a status different from that which they had agreed to grant to refugees and, in that connexion, every Government was certainly entitled to choose from among the three types of status provided at Geneva the one it wished to grant to stateless persons. He hoped, however, that Governments would refrain from altering the substance of the three types of status in order not to give rise to endless debate. If the Conference worked in that spirit, it should be able to make rapid progress.

The Conference decided to include or to refer to article 3 in the instrument to be prepared, subject to any amendments on second reading.

Article 4

Mr. HOLMBACK (Sweden), supported by Mr. GRANDJEAN (Switzerland) thought that article 4, which did not appear in the draft prepared by the *Ad Hoc* Committee, should be included in the instrument to be prepared by the Conference.

The Conference decided to include or to refer to article 4 in the instrument to be prepared subject to an amendment on second reading.

Article 5

Mr. JOBEZ (France) wondered whether that provision, which was justified in the case of refugees, would be appropriate in an instrument on stateless persons.

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Article 5, which with “rights granted apart from this Convention”, was hardly compatible with the fact that the definition of statelessness would have to say that a stateless person was an individual who had no protection.

Mr. HERMENT (Belgium) did not share the French representative’s opinion, for it could happen that some countries might grant stateless persons benefits other than those provided for in the instrument to be prepared. In Belgium, for instance, stateless persons who had been interned during the Second World War enjoyed the same benefits as Belgian nationals. Thus the insertion of article 5 in the instrument relating to stateless persons was fully justified.

Mr. BROWN (United Kingdom) said that quite obviously in countries where stateless persons enjoyed only the benefits provided for in the instrument being prepared, that article would not grant stateless persons any other right, but it was important to ensure that stateless persons in countries where they enjoyed a more favourable status should not be deprived of those additional rights and benefits as a result of the coming into force of the instrument.

The Conference decided to include, or to refer to, article 5 in the instrument to be prepared, subject to any amendments that might be made at the second reading.

Article 6

Mr. JOBEZ (France) stated that, if article 6 was included in the draft instrument, the French Government would be obliged to make reservations on it at the time of signature and ratification.

Mr. LOOMES (Australia) thought that the article had no place in a text concerning stateless persons, as the interpretation of the words “requirements which by their nature a refugee is incapable of fulfilling” was bound to cause difficulties when applied to stateless persons. For that reason the Australian delegation thought that that provision should not be included.

Mr. BROWN (United Kingdom) pointed out, in reply to the Australian representative’s objection, that under article 5 stateless persons would be placed on the same footing as non-stateless persons so far as the requirements to be fulfilled for the enjoyment of any particular right were concerned. One of those requirements might well be the obligation to produce evidence of nationality, but it was immediately obvious that stateless persons were not in a position to fulfil such a requirement. The article should therefore be retained.

Mr. SCHELTEMA (Netherlands) agreed with the United Kingdom representative.

In reply to a question from Mr. LOOMES (Australia), the PPESIDENT stated that he did not consider it necessary to put the matter to a vote unless a representative expressly objected to a particular article. In the case of the article under discussion, however, quite definite differences of opinion seemed to have arisen and in those circumstances it seemed best to ask the Conference to vote upon it.

The Conference decided by votes to 14 votes to 2, with 2 abstentions, to include, or to refer to, article 6 in the instrument to be prepared, subject to any amendments which might be made at the second reading.

Article 7

Mr. HOLMBACK (Sweden) stated that his Government could not ratify the Convention relating to the status of refugees without making a reservation on article 7, paragraph 2, in view of the fact that existing Swedish law did not at present allow Sweden to accept all the obligations in the article in question. He was therefore obliged to make a similar reservation about the insertion of that text in the instrument to be prepared by the Conference.

The question whether a separate convention should be prepared or whether a protocol would be sufficient had not yet been resolved. If the former were decided, it would be necessary to consider revising article 7, especially the title and paragraphs

2 and 4, and possibly even paragraph 5. If the latter solution were adopted, paragraph 2 as at present drafted would probably have to be interpreted as meaning that stateless persons would not enjoy any of the benefits of the law of the country in which they were living for three years, if the application of those provisions was made subject to reciprocity. Mr. Holmback wondered whether the other representatives construed the paragraph in the same way so far as stateless persons were concerned.

In any event, it seemed very difficult to consider applying any provisions which were subject to reciprocity to stateless persons, since, by definition, a stateless person was not the national of any State that could guarantee the same treatment to nationals of the State in which the stateless person was living.

Mr. BOZOVIC (Yugoslavia) said that he was in the same difficulty as the Swedish representative. Clearly the question of reciprocity did not arise in the case of stateless persons. Furthermore, the residence requirement could only work to the disadvantage of stateless persons who would not enjoy rights which might be fundamental for the first three years.

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Mr. HERMENT (Belgium) stated, in reply to the Swedish and Yugoslav representatives, that the essential idea in the case of stateless persons was not reciprocity but the residence period required of stateless persons as a sort of test by which they could prove that they were worthy of the benefits which would then be granted to them. Obviously the contemplated reciprocity requirement could not be fulfilled in most cases. In any event, there was absolutely no question of taking a strict attitude towards stateless persons and indeed paragraph 4 expressly asked contracting States to consider favourably the possibility of waiving the residence requirement.

Mr. BROWN (United Kingdom) said that the reciprocity clause was obviously completely inapplicable in the case of *de jure* stateless persons. No doubt article 7 could be maintained by deleting the words "in the absence of reciprocity", in paragraphs 3 and 4, and by making some formal amendments to paragraph 2 in order to eliminate the concept of reciprocity. Any Governments that still found themselves in difficulties over the text despite those amendments could always make their reservations at the appropriate time.

The PRESIDENT remarked that the question concerned not a diplomatic reciprocity arising out of a decision taken by bilateral agreement between two Governments, but a legislative reciprocity arising out of a unilateral decision taken by each of the Governments concerned. That was a major distinction, for, if

diplomatic reciprocity were meant in article 7, obviously it could in no case apply to stateless persons, since no Government was responsible for stateless persons, but as the reference was to legislative reciprocity, it was perfectly open to the Government of the country of residence to decide of its own accord and without the intervention of any other Government that it would grant stateless persons exemption from reciprocity at the end of the period of residence or without a residence requirement at all, depending on whether the Government concerned applied the provisions of paragraph 4 or not. The fact that no Government was responsible for stateless persons was therefore irrelevant in that case.

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Mr. LIVERAN (Israel) agreed with the President. Article 7 should be maintained and applied to stateless persons, as it was a matter of legislative reciprocity, as the President had explained. It should be maintained first of all for reasons of justice and equity. Stateless persons should not be subjected to stricter treatment merely because they did not enjoy the protection of any Government. Secondly it should be maintained for reasons of logic. Stateless refugees had not been excluded from the enjoyment of the privileges of article 7 of the Convention relating to the status of refugees. That being the case, there was no reason why the same provisions should not be made applicable to stateless persons in general.

Mr. JOBEZ (France) pointed out that there were 300,000 refugees on French territory, to whom the Government granted all the benefits provided in the Convention relating to the status of refugees, which France had signed and ratified. The French Government had not, however, thought it necessary to repeat in his draft the provisions concerning the exemption from reciprocity of stateless persons.

It seemed difficult to accept a situation where a stateless person would enjoy more favourable treatment than an alien, whose treatment was entirely dependent on the attitude adopted by his own Government on the subject. It might even be asked whether such a formula might not have the effect of encouraging stateless persons to retain their status as such rather than to try to acquire a nationality, presumably that of the country in which they were living, thus tending to increase the number of instances of statelessness instead of reducing them. For those reasons, the French delegation did not favour the insertion of article 7 in the instrument relating to stateless persons.

Mr. LOOMES (Australia) was in entire agreement with the French representative.

Mr. HERMENT (Belgium) admitted that the above arguments were valid but the benefits granted subject to reciprocity, for instance, legal aid or exemption from the payment of *judicatum solvi*, were in fact very slight and in no way prejudiced a country's economy or the exercise of its judicial or administrative powers.

Mr. BROWN (United Kingdom), in reply to the French and Australian representatives, pointed out that it was fair to provide for a system which might be more favourable to the stateless person than to the alien, as the stateless person did not receive assistance from any Government while the alien enjoyed the protection of his country's authorities.

Mr. DONS (Norway) thought it difficult to apply article 7 to stateless persons and asked whether the requirements laid down in that article were not precisely those which, to use the terms of article 6, by their nature a stateless person was incapable of fulfilling.

Mr. AYCINENA (Guatemala) raised the same question concerning reciprocity. Moreover, article 7, paragraph 2, referred to a period of residence of three years. The term "residence" should be defined more precisely since certain States already imposed fairly strict conditions before granting a person the status of resident.

Mr. HERMENT (Belgium) recalled that the Conference at Geneva had decided to use the word "residence" to avoid the word "domicile" which was much more precise. The term "residence" should be given its usual meaning; it embodied a number of factors and did not refer to a legal situation recognized by an administrative act.

Mr. TUNCEL (Turkey) believed that the Turkish representative had expressed some doubts concerning that article of the draft protocol prepared by the *Ad Hoc* committee because it raised the principle of equal treatment for stateless persons and aliens and, in certain cases even, implied more favourable treatment for the former. This country might later express certain reservations.

The Conference decided, by 12 votes to 2, with 4 abstentions, to include, or to refer to, article 7 in the instrument to be prepared, subject to any amendments which might later be made to it.

Article 8

The PRESIDENT said that the final decision on article 8 depended on whether the Conference adopted the view that the instrument it was preparing would be

applicable to *de jure* stateless persons or to *de facto* stateless persons. The expression “formally a national of the said State” could only apply to *de jure* persons who by definition had no nationality. However, the article in question was relevant if applied to *de facto* stateless persons.

Mr. BROWN (United Kingdom) said that the United Kingdom had pointed out in its comments that it would have no difficulty in applying the provisions of article 8 to stateless persons. However, in the draft protocol which it had prepared, the United Kingdom had made no provision for the application of article 8 to stateless persons. The article could not apply to *de jure* stateless persons. If the Conference decided to apply it to *de facto* stateless persons, his Government would have to reserve the right, in time of war, of taking exceptional measures in respect of former nationals of countries with which the United Kingdom was at war. The United Kingdom had already made reservations on articles 8 and 9 at the time of signature of the Convention relating to the status of refugees. It would have to make the same reservations even if the article in question applied only to *de facto* stateless persons. It therefore preferred that the article should not be included in the proposed instrument.

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Mr. HERMENT (Belgium) also felt that the article should be excluded.

Mr. BOZOVIC (Yugoslavia) agreed that in certain cases a State might be compelled to take exceptional measures in respect of a stateless person. However, the Conference must try to protect stateless persons against exceptional measures. If article 8 was to apply only to *de facto* stateless persons it was better to exclude it. If it was to concern only *de jure* stateless persons, the Conference could retain the article and apply it *mutatis mutandis*. In that case the fourth and fifth lines of the article would be unnecessary. In all events the article deserved close examination. There was no reason why a stateless person who was formerly a national of a certain State should be refused the protection which was granted to a refugee who was a national of the same State.

The PRESIDENT thought that the exclusion of the article would not solve the problem. He suggested that the first sentence of the article might be amended to read: “. . . the contracting States shall not apply these measures to a stateless person solely on account of his previous nationality.”

Mr. DONS (Norway) supported that suggestion. The Conference should consider an amended text and decide whether to include it in the final instrument or whether to reject it. He saw no reason why the same protection should not be granted to

stateless persons as to refugees.

It was decided to postpone consideration of article 8.

Article 9

Mr. HOLMBACK (Sweden) proposed that article 9 should be included among the provisions to be applied to stateless persons.

Mr. BROWN (United Kingdom) and Mr. JOBEZ (France) said that, as the United Kingdom Government had pointed out in its comments on the draft protocol, article 9 did not seem applicable to stateless persons as such. They therefore felt that it should not be included in the articles to be applied under proposed protocol.

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Mr. TUNCEL (Turkey) and Mr. SCHELTEMA (Netherlands) favoured the adoption of the article.

Mr. HERMENT (Belgium) proposed that the article should be retained. However, a State might be compelled to take measures in respect of a stateless person which it considered essential for its national security. Belgium, for example, could not pledge itself to abolish such measures if its security required their retention. He therefore proposed that the phrase “that that person is in fact a refugee” should be deleted and that the words “even if he is stateless” should be added after the words “particular person.”

Mr. BOZOVIC (Yugoslavia) agreed with the representative of Sweden that the article should be retained. The purport of the Belgian amendment was not clear since, according to the last phrase of article 9, a country could continue to apply measures which it had felt it necessary to take provisionally in respect of a stateless person. The fears expressed by the Belgian representative were therefore groundless. Moreover, the article in question was logical; a State could adopt provisional measures in respect of a person and then, when it was established that the said person was stateless, it could abolish those measures or maintain them if it considered them necessary for its national security.

After a further exchange of views between the representatives of Belgium and Yugoslavia, the PRESIDENT proposed that the Conference should take a decision on the Belgian amendment.

Mr. HOLMBACK (Sweden) felt that the Conference should decide whether the article should be maintained or not and to leave the final wording of the article to

the Drafting Committee.

The PRESIDENT felt that questions of substance should be settled at once. If the Conference wished to draw up the proposed instrument in the form of a protocol it should decide at once on the number and scope of the amendments it wished to make to the draft protocol before it.

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Mr. TUNCEL (Turkey) proposed that the question of the insertion of the article should be put to the vote before the Belgian amendment.

Mr. BROWN (United Kingdom) felt that the procedure proposed by the representative of Turkey was not the most suitable. If the whole of article 9 was put to the vote first, the United Kingdom delegation would be compelled to vote against the inclusion of the article, whereas, if the Conference voted first on the Belgian amendment and if that amendment was adopted, the United Kingdom delegation would be in a position to vote in favour of the inclusion of the article thus amended in the proposed instrument.

Mr. HERMENT (Belgium) said that he would not be able to reach a decision on the article as a whole before knowing how the Conference would deal with his amendment.

The PRESIDENT quoted rule 27 of the rules of procedure adopted by the Conference: "When an amendment is moved to a proposal, the amendment shall be voted on first." Sweden had proposed that article 9 should be adopted, and Belgium had then submitted an amendment, the amendment had to be voted first.

Mr. CARIAS (Honduras) supported that view.

A vote was taken on the Belgian amendment.

There were 6 votes in favour, 6 against and 6 abstentions.

In accordance with rule 31 of the rules of procedure the Conference deferred a second vote until the following meeting.

The meeting rose at 6.50 p.m.

Sixth Meeting, 16 September 1954

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/SR.6 29 September 1954

CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

SUMMARY RECORD OF THE SIXTH MEETING

Held at Headquarters, New York, on Thursday, 16 September 1954, at 12.15 a.m.

Contents

Revision of the draft Protocol relating to the status of stateless persons in the light of the provisions of the Convention relating to the Status of Refugees of 28 July 1951 and of the observations made by the Governments concerned: consideration of the substantive provisions to be applied to stateless persons (A/CONF.2/108, E/CONF.17/3) (continued)

President: Mr. LARSEN Denmark

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REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS IN THE LIGHT OF THE PROVISIONS OF THE CONVENTION RELATING TO STATUS OF REFUGEES OF 28 JULY 1951 AND OF THE OBSERVATIONS MADE BY THE GOVERNMENTS CONCERNED: CONSIDERATION OF THE SUBSTANTIVE PROVISIONS TO BE APPLIED TO STATELESS PERSONS (A/CONF.2/108, E/CONF.17/3) (continued)

E/CONF.17/3, para. 38 (article 9)(continued)

The PRESIDENT called for a second vote, under rule 31 of the rules of procedure (E/CONF.17/2), on the Belgian proposal for the deletion of the words “ . . .that that person is in fact a refugee and . . . ”.

The Belgian proposal was not adopted, 7 votes being cast in favour and 7 against, with 7 abstentions.

The inclusion of or reference to the article in the future instrument was approved by 14 votes to 2, with 5 abstentions.

E/CONF.17/3, para. 39 (article 10)

The inclusion of or reference to the article in the future instrument was approved by

21 votes to none, with 1 abstention.

E/CONF.17/3, para. 40 (article 11)

Mr. HERMENT (Belgium) proposed that the article should be included or referred to in the future instrument.

The Belgian proposal was adopted unanimously.

E/CONF.17/3, para. 41 (article 12)

Mr. FLORES (Costa Rica) drew attention to a discrepancy between the English and Spanish texts of article 12, paragraph 2.

The PRESIDENT explained that the Spanish speaking delegations at the 1951 Geneva Conference had waived the use of Spanish as a working language as a contribution to the speedy conduct of business. The final paragraph of

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the Final Act of that Conference (A/CONF.2/108/Rev.1, page 9) stated that a new translation of that Final Act into Spanish would be prepared by the Secretary-General of the United Nations and that only the texts in the English and French languages were authentic. The defective Spanish translation would be corrected.

The inclusion of or reference to the article in the future instrument was approved by 21 votes to none, with 1 abstention.

E/CONF.17/3, para. 42 (article 13)

The inclusion of or reference to the article in the future instrument was approved by 18 votes to none, with 3 abstentions.

Mr. TRUJILLO (Ecuador) explained that he and the other Latin-American representatives had abstained because the article would abridge the complete equality with nationals that all aliens enjoyed under Latin-American law, with the exception of certain restrictions in frontier areas.

E/CONF.17/3, para. 43 (article 14)

The inclusion of or reference to the article in the future instrument was approved by 21 votes to none, with 1 abstention.

Mr. HOLMBACK (Sweden) said that he had voted for the inclusion of or reference to the article, but he doubted whether the Swedish Government would be able to apply it immediately, as Swedish legislation on industrial and literary property was not based on the same principles as those of the article. He hoped that the

legislation would be amended in the near future.

Mr. HERMENT (Belgium) explained that he had abstained because he believed that in that respect stateless persons should receive the same treatment as that accorded to aliens generally.

The PRESIDENT, speaking as representative of Denmark, said that his Government might have to make a reservation with regard to the article.

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E/CONF.17/3, para. 44, (article 15)

Mr. HERMENT (Belgium) said that his Government was not in agreement with the substance of the article and wished to make a reservation to that effect.

Mr. VOIGT (Federal Republic of Germany) thought that a serious problem would arise if stateless persons were accorded special treatment. In countries which were party to bi-lateral or multilateral treaties, or were closely linked on a regional basis and therefore accorded the most favourable treatment to each other's nationals, a stateless person covered by the article would enjoy more favourable treatment than nationals of other countries.

Mr. HOLMBACK (Sweden) did not think that his Government could apply the article without reservation as the Scandinavian countries accorded privileged treatment to each other's nationals.

Mr. TRUJILLO (Ecuador) thought that the article was of a negative and restrictive character and contrary to Ecuadorian legislation. He would therefore vote against it. In Ecuador stateless persons had the same rights as nationals, except in political matters.

Mr. AYCINENA (Guatemala) pointed out that the Central American Republics had close ties dating back to the *Capitania General de Guatemala*. His delegation would therefore have to make a reservation similar to that made by the Benelux countries at the 1951 Conference. He emphasized that the reservation applied not only to article 15, but also to all the other articles of the Convention referring to "most favourable treatment."

Mr. SERRANO GARCIA (El Salvador) said that in his country stateless persons were accorded the same treatment as aliens. They did not enjoy any political rights but had the same rights as aliens within the

meaning of the rest of the article. His Government could not apply the article and would therefore make a reservation.

The PRESIDENT feared that some misunderstanding had arisen as to the scope of article 15. There was no intention of obliging countries to deprive stateless persons of political or trade union rights. If the article were adopted as being applicable to stateless persons, Governments would not be restricted in any way from giving them larger benefits. The rights accorded under the Convention should be regarded as a minimum.

Mr. BROWN (United Kingdom) hoped that the representative of Ecuador would reconsider his attitude towards article 15. With regard to the point raised by the representative of the Federal Republic of Germany he agreed that, if the article were adopted, stateless persons would be accorded more favourable treatment than nationals of other countries. He thought it natural, however, that that should be so since stateless persons, unlike aliens, had no government to protect them. His delegation therefore hoped that the article would be adopted as it stood.

Mr. SCHELTEMA (Netherlands) said that he would vote for the inclusion of, or reference to, article 15. At the same time, he wished to indicate for the record that his Government's signature of the proposed instrument on the status of stateless persons would be subject to a general reservation similar to that in the 1951 Convention relating to the Status of Refugees, namely, that in all cases where the instrument granted to stateless persons the most favourable treatment accorded to nationals of a foreign country the provision should not be interpreted as involving the regime accorded to nationals of countries with which the Netherlands had concluded regional, customs, economic or political agreements.

Mr. BOZOVIC (Yugoslavia) supported the views of the German and Belgian representatives. Article 15 would not serve the objective of

encouraging stateless persons to acquire the nationality of their country of residence, an objective which the instrument should promote wherever possible. That purpose would be defeated by article 15, and if it was retained as it stood, his country, too, would have to enter a reservation.

Mr. CARIAS (Honduras) said that he would vote for the inclusion of, or reference to, article 15 in view of the explanation by the Danish and United Kingdom representatives. However, he endorsed the remarks of the other Latin-American

delegations and would enter a reservation along the lines they had indicated.

Mr. VOIGT (Federal Republic of Germany) felt that, as a number of reservations had already been indicated, it would be better if article 15 were amended to eliminate the need for such reservations. He proposed the replacement of the words “the most favourable treatment accorded to nationals of a foreign country” by the words “the treatment accorded to aliens generally.”

The PRESIDENT, speaking as representative of Denmark, recalled that the point at issue had been threshed out when article 15 had been adopted at Geneva. It would be a mistake to depart substantially from the text of an article in the Geneva Convention that was equally applicable to stateless persons.

The objections to the article were based primarily on regional arrangements, but he did not think that the Netherlands, for example, would object to according to stateless persons the most favourable treatment accorded to nationals of any country other than the Benelux countries. That would still constitute an important protection for stateless persons and it would therefore be better to retain article 15 unchanged, in spite of the reservations based on regional arrangements.

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Mr. HERMENT (Belgium) disagreed. The point made by the Yugoslav representative was well taken. There was no reason why stateless persons should be entitled to treatment better than that accorded to aliens generally, or equal to that accorded under special agreements with certain foreign countries. He therefore supported the German amendment.

The meeting rose at 1.15 p.m.

Seventh Meeting, 16 September 1954

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/SR.7 29 September 1954

**CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS
PERSONS**

SUMMARY RECORD OF THE SEVENTH MEETING

Held at Headquarters, New York, on Thursday, 16 September 1954, at 3.10 p.m.

Contents

Revision of the draft Protocol relating to the status of stateless persons in the light of the provisions of the Convention relating to the Status of Refugees of 28 July 1951 and of the observations made by the Governments concerned (E/2373 and Add.1 to 14; E/CONF.2/108/Rev.1; E/CONF.17/3 and E/CONF.17/L.7) (continued)

President: Mr. LARSEN Denmark

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**REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS IN THE LIGHT OF THE PROVISIONS OF THE
CONVENTION RELATING TO THE STATUS OF REFUGEES OF 28 JULY 1951
AND OF THE OBSERVATIONS MADE BY THE GOVERNMENTS CONCERNED
(E/2373 and Add.1 to 14; E/CONF.2/108/Rev.1; E/CONF.17/3 and E/CONF.17/L.7)
(continued)**

Article 15 (continued)

The PRESIDENT recalled the various positions delegations had adopted at the previous meeting with regard to article 15. Some delegations were unable to accept the article, which would place their countries in a difficult legal position. Others thought they could accept it with reservations. Others, again, accept the article if it excluded the special benefits which could be accorded under regional arrangements. Still others were prepared to include the article as it stood. In his view, there were two ways of solving the problem. The first solution was to reduce to a minimum the rights prescribed in the document, each State remaining free to grant more rights; the disadvantage of that method was that the Convention relating to the Status of Refugees would be very different from the instrument adopted in respect of stateless persons; it would also be difficult for the latter to know what their real status was in a given country. The second solution would be to apply to stateless persons the Convention relating to the Status of Refugees without any substantial

change. That solution would oblige some Governments to make reservations. It was for the Conference to select the method which seemed to it most satisfactory.

Mr. BOZOVIC (Yugoslavia) stated that, if the Conference allowed for reservations forthwith, there would be some twenty to thirty different instruments after the signature. The countries which did not accord the nationals of a foreign country the benefit of the most-favoured-nation clause could accept the article, whereas other countries would be obliged to make reservations if they did not wish to accord the benefits of that clause to stateless persons. He did not object to the inclusion of the article in the future instrument, but he pointed out that the object in view was the future elimination of statelessness; if that was to be achieved, it was essential not to create forthwith a situation which would make such elimination impossible.

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Mr. TUNCEL (Turkey) stressed that many Governments were prepared to accord stateless persons the treatment provided for refugees in article 15. For some however, it was impossible or difficult to apply that article unamended. Some Governments might be prepared to accord stateless persons only the treatment which they reserved for aliens in general. Such a provision might be included in article 15.

Mr. BROWN (United Kingdom) said that, when the members of the Conference had discussed the definition of a stateless person, they had shown a liberal spirit and had been prepared to extend the benefits of the proposed instrument to as many persons as possible. It was now, however, the opposite tendency that was becoming apparent. There were, generally speaking, two extreme positions which could be adopted in this respect: one could endeavour to accord stateless persons the maximum benefits, in which case it was probable that few countries would sign the instrument adopted; or one could reach an agreement on a minimum of rights acceptable to all countries. He felt that the Conference must go beyond this latter concept of the lowest common denominator and prescribe as many rights as possible for stateless persons. Governments could always make reservations.

Some Governments could not agree to accord to a stateless person the most favourable treatment which they accorded to nationals of a foreign country; they were prepared to accord to stateless persons only the treatment which they accorded to all aliens in general. As stateless persons already enjoyed such treatment in most countries, the Conference would not have improved their situation at all if it did not accord them in some respects treatment more favourable than that granted to aliens in general.

The only way of abolishing statelessness completely was to give stateless persons a nationality. They would then enjoy rights superior to those accorded to the nationals of foreign countries enjoying the most-favoured-nation treatment. Hence article 15 was not the maximum possible, but a compromise solution. It was difficult to understand why in that case some States hesitated to grant to stateless persons what they already granted to refugees. He therefore addressed an appeal to the other representatives to accord the maximum rights to persons who, for reasons often beyond their control, did not enjoy any protection. He formally proposed that the Conference should adopt article 15 as it stood.

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Mr. AYCINENA (Guatemala) felt that the discussion should have general application and should refer to all the articles which mentioned the most-favoured-nation clause. He shared the United Kingdom representative's opinion about article 15. Governments would always be free, particularly with regard to regional agreements, to make reservations, which would not necessarily reduce the rights of stateless persons.

The PRESIDENT, speaking as the representative of Denmark, said that his Government might be unable to accept the proposed text in other respects. Nevertheless he did not wish to reduce to a minimum the rights accorded under the proposed instrument, which should be a step forward and should encourage Governments to reconsider their positions and perhaps eventually to withdraw the reservations which they might make.

Mr. HERMENT (Belgium) thought that to amend the article would not be to deprive stateless persons of any fundamental right. There was no intention of preventing them from forming associations but rather of not granting them a preferential right as compared with other aliens. He agreed with the Turkish representative, that it would be better to provide for two different systems in the proposed instrument: namely, to state a very liberal principle and then to set forth another standard which a greater number of Governments could accept. Replying to the United Kingdom representative, he pointed out that there was a great difference between a stateless person and a refugee. Before an individual was given the status of a refugee, a careful study was made of his life, conduct, background and the truth of his claims. It would be difficult to give the same rights to a stateless person who was not a refugee.

Mr. BROWN (United Kingdom) formally proposed that the Conference should include or refer to article 15 in the instrument to be prepared.

Mr. HERMENT (Belgium) submitted an amendment which would accord to stateless persons the most favourable treatment possible and, in any case, not less favourable than that accorded to foreigners in general in the same circumstances (E/CONF.17/L.7).

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Mr. TUNCEL (Turkey) submitted another amendment, adding, after the words “nationals of a foreign country,” the phrase “or at least that accorded to foreigners in general.”

The PRESIDENT proposed that the Conference should vote on the Turkish amendment, then on the Belgian amendment and finally on the United Kingdom proposal.

Mr. LOOMES (Australia) felt that a vote should first be taken on the Belgian amendment, in accordance with rule 26 of the rules of procedure.

Mr. MISAEEL PASTRANA (Colombia) pointed out that the effect of the Turkish amendment would be to accord to stateless persons the same treatment as was accorded to aliens generally, which was already for in article 7, paragraph 1. He proposed that the Conference should have the written text of both amendments before it before continuing the discussion.

Mr. BROWN (United Kingdom) appreciated the cogency of the Colombian representative's request but thought that that solution would delay the Conference's work considerably. As it was only first reading of the draft, the President could read the amendments out slowly.

Mr. LOOMES (Australia) supported the Colombian representative's request. It would be better to comply with rule 18 of the rules of procedure, which provided that amendments should normally be introduced in writing. Representatives should be able to study the amendments thoroughly before taking a decision. Accordingly, he proposed the adjournment of the debate on article 15.

It was so decided.

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E/CONF/17.3, para. 45 (article 16)

Mr. AYCINENA (Guatemala) said that his delegation whole-heartedly approved of article 16, paragraph 1 and the part of paragraph 2 relating to access to the Courts

and legal assistance. It was to be feared, however, that exemption from *cautio judicatum solvi* might place stateless persons in a more favourable situation than certain nationals, particularly in view of article 7, paragraph 3. As stateless persons were not necessarily indigent, it would be well to make a distinction based on their means, along the lines of article 25, paragraph 4, which dealt with administrative assistance.

Mr. MISAEEL PASTRANA (Colombia) thought that paragraph 2 should be construed to mean that stateless persons should be accorded the same treatment as nationals and that there was thus no question of more favourable treatment.

Mr. AYCINENA (Guatemala) did not consider the Colombian representative's interpretation valid with regard to exemption from *cautio judicatum solvi*.

Mr. BOZOVIC (Yugoslavia) said that his delegation approved of paragraphs 1 and 2, but doubted whether paragraph 3 was satisfactory. He was thinking of the case of stateless persons residing in a country which recognized the most-favoured-nation clause; it was to be feared that a distinction would thus be made between stateless persons and there would be discrimination against those whose country of residence did not recognize such a clause.

The PRESIDENT, speaking as the representative of Denmark, said that the provision in paragraph 3 was due to the close links between an individual and his country of residence. There were certain effects of residence abroad which, in countries such as Denmark, affected nationals also. There were several international agreements which rectified such disadvantages, and that was the reason for trying to place refugees in the same position as the nationals of the country of their habitual residence. A similar provision should be made for stateless persons.

Mr. BROWN (United Kingdom) supported the President's views. The Yugoslav representative's apprehensions about the most-favoured-nation clause were unjustified. There would certainly be discrimination, but there was absolutely

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that clause did of course involve a certain discrimination, but its value had been proved in international practice. Although under such a clause benefits were accorded only to aliens from certain countries it might often pave the way for granting those benefits to a wider group of aliens and ultimately to all aliens. He could see no reason in that case why stateless persons should not be accorded an advantage which had been accorded to refugees.

Mr. BOZOVIC (Yugoslavia) feared he had been misunderstood. His delegation would in fact support the article and was prepared to give stateless persons the same treatment as nationals in that respect. Paragraph 3 might even be deleted.

The PRESIDENT supported by Mr. HERMENT (Belgium) pointed out that paragraph 2 dealt with the situation of refugees in the State of their residence and paragraph 3 with their situation in another contracting State. That being so, paragraph 3 should be retained.

Mr. BOZOVIC (Yugoslavia) said that if paragraph 3 were deleted, the wording of paragraph 2 would have to be changed.

The PRESIDENT admitted that that was possible; it was to be feared, however, that the deletion of paragraph 3 might deprive stateless persons of the possibility of benefitting from the exemption of *cautio judicatum solvi*, if there was no assurance that a Court decision handed down in another contracting State would have effect in the State of residence, and there could only be such assurance when there was an agreement to that effect between the two States.

Mr. AYCINENA (Guatemala) explained that he had merely wished to draw attention to a special case and would not press the point, in order to avoid complicating the Conference's work.

Mr. TUNCEL (Turkey) remarked that the Geneva Convention did not set a treatment to be accorded to refugees, for in many cases it provided for a more favourable treatment than that given to aliens in general, and sometimes even a treatment equal to that of nationals.

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Mr. MENDEZ (Philippines) asked that article 16 should be voted on paragraph by paragraph.

The Conference decided by the following votes, to include or refer to article 16 in the future instrument, subject to any amendments that might be made at the second reading:

Paragraph 1: 21 votes to none, with 2 abstentions.

Paragraph 2: 19 votes to none, with 4 abstentions.

Paragraph 3: 19 votes to none, with 4 abstentions.

Article 16 as a whole: 21 votes to none with 2 abstentions.

E/CONF 17/3, paragraph 46 (article 17)

The PRESIDENT, speaking as the representative of Denmark, said that, as in the case of the Geneva Convention, his Government would have to make reservations to article 17, should it be included in an instrument relating to the status of stateless persons.

Mr. HOLMBACK (Sweden) pointed out that if article 15 was amended as suggested by the Belgian and Turkish representatives, article 17, paragraph 1, would also have to be amended. As Swedish law did not automatically grant aliens the same wages as Swedish nationals, the Swedish Government would have to make reservations to paragraph 1 of that article, as also to paragraph 2.

Mr. LOOMES (Australia) stated that his Government would have to make reservations to article 17, as it had already done in the case of the Geneva Convention.

Mr. GRANDJEAN (Switzerland) said that the Swiss Government considered that only paragraph 1 of article 17 could be applied to stateless persons and it would make reservations to that paragraph, as it had to the Geneva Convention, in order to protect Swiss wage-earners.

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Mr. BROWN (United Kingdom) said that his Government had made reservations to article 17 of the Convention. As the Swedish representative had stated, article 17, paragraph 1, might have to be changed if article 15 was amended, but it was to be hoped that the need would not arise, for the treatment accorded under that paragraph was as necessary for stateless persons as for refugees. He hoped that no reservations would be made to it in special cases, such as that of Switzerland.

Mr. BOZOVIC (Yugoslavia) said that his delegation had proposed at Geneva that the same treatment should be accorded to refugees as to nationals with regard to the right to engage in wage-earning employment. His delegation was prepared to submit an amendment in that connexion in respect of stateless persons. He found the restrictions provided in paragraph 2 inadmissible, in particular that in subparagraph (b) concerning the abandoning of a spouse. He would therefore vote against paragraph 2 and abstain on article 17 as a whole.

Mr. HERMENT (Belgium) said that as there were 300,000 unemployed in Belgium, the Belgian Government would certainly make reservations to article 17.

Mr. JOBEZ (France) said that the revised text of the protocol communicated by the French Government (E/2373/Add.4) embodied paragraph 1 of article 17, but that, in

its concern to protect the labour market and because of the provisions of French Law, his Government could not accept paragraphs 2 and 3 and would even have to make reservations to paragraph 1. Accordingly, he would vote in favour of article 17, paragraph 1, and against the other paragraphs.

Mr. TUNCEL (Turkey) thought that the Conference might well consider whether article 17 should be included in the new instrument, in view of the many reservations made to article 17 of the Geneva Convention. It might either reject article 17 as a whole or retain only the first paragraph, in accordance with the *Ad Hoc* Committee's recommendations, but even the latter action would not prevent

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reservations being made. As several Governments could not agree to the treatment accorded in that article, the language of paragraph 1, if it were retained at all, should be improved by amending it along the lines that he himself and the Belgian representative had advocated.

The PRESIDENT proposed that the consideration of article 17 should be deferred until the Conference had before it the written text of the Belgian and Turkish proposals for article 15.

It was so decided.

E/CONF.17/3, paragraph 47 (article 18)

The inclusion of, or reference to, article 18 in the future instrument was approved by 19 votes to none, with 2 abstentions, subject to any amendments that might be made to it at the second reading.

E/CONF.17/3, paragraph 48 (article 19)

Mr. BOZOVIC (Yugoslavia) said that it would better not to apply paragraph 2 of article 19 to stateless persons, as indeed the *Ad Hoc* Committee's draft protocol provided. The intention behind that paragraph was commendable, but when considered in the light of article 40 of the Convention the significance of the paragraph was hard to discern. To the extent that a State retained the right, under article 40, to refuse to apply the provisions of the Convention to the territories for the international relations of which it was responsible, it might almost be asked whether, under article 19, paragraph 2, that State might not automatically deprive a stateless person of all the rights and benefits provided for in the future instrument by transferring him to one of the territories for which it was responsible. Accordingly he would vote against the inclusion of that paragraph.

The PRESIDENT recalled that the provision in question had been discussed at length in Geneva. In his opinion it should have appeared as a recommendation in the final act and not been inserted in the body of the Convention.

The motive underlying its adoption was highly laudable, the *Ad Hoc* committee and the Conference had realized that the exercise of certain professions, such as the medical profession, for example, was made particularly difficult for refugees and stateless persons by the fact that many countries stipulated that they should first possess the appropriate national diplomas. In view, however, of the shortage of such personnel in most of the Non-Self-Governing Territories, the Conference had thought it wise to draw the attention of the Contracting States to the possibility that refugees who were unable to exercise their profession in the metropolitan Territory might perhaps be employed in Non-Self-Governing Territories where their services would be valuable. In any case, as the paragraph had not been included in the draft Protocol, it would not be put to the vote unless a delegation formally proposed that it should be inserted in the new instrument.

Mr. BROWN (United Kingdom) speaking as a representative of one of the countries which attached particular importance to the territorial clause, said that there was obviously no question of such countries invoking that clause in order to transfer stateless persons from the metropolitan country to territories which they represented internationally and thus shirking the obligations they had assumed under the Convention. He was sure, of course, that the representative of Yugoslavia had not intended to impute such motives to the Powers administering dependent Territories.

As the President had pointed out, article 19, paragraph 2 should be interpreted as an invitation to the Contracting States to encourage the settlement in their dependent Territories of those refugees who could not practise their profession in the metropolitan country.

At all events, the provision was not so important for stateless persons as for refugees and the United Kingdom delegation would not formally propose its insertion in the new instrument.

The inclusion of, or reference to article 19, paragraph 1, in the future instrument was a proved by 21 votes to none, with 2 abstentions, subject to any amendments that might be made to it at the second reading.

E/CONF.17/3, paragraph 49 (article 20)

The inclusion of, or reference to, article 20 in the future instrument was approved by 21 votes to none, with 2 abstentions; subject to any amendments that might be made to it at the second reading.

E/CONF.17/3, paragraph 50 (article 21)

The inclusion of, or reference to, article 21 in the future instrument was approved by 23 votes to none, with 2 abstentions, subject to any amendments that might be made to it at the second reading.

E/CONF.17/3 paragraph 51 (article 22)

Mr. BOZOVIC (Yugoslavia) recalled that at Geneva his delegation had stated that in educational matters the same treatment should be accorded to refugees and stateless persons as to nationals of the country of residence. It had even submitted an amendment, which it had subsequently withdrawn in favour of an amendment by the Federal Republic of Germany, which had unfortunately been rejected. Yugoslavia's attitude remained unchanged and if there appeared to be a majority in support of the above view he would be ready to submit an appropriate amendment. In any case, Yugoslavia would vote in favour of the inclusion of article 22.

Mr. VOIGT (Federal Republic of Germany) said that his delegation had no objection to article 22. In Germany, however, educational matters came within the jurisdiction of the states and, that being so, the application of article 22 would require the insertion of article 21 of the Convention (federal clause) in the new instrument.

Mr. MENDES (Philippines) requested that article 22 should be put to the vote paragraph by paragraph.

The inclusion of, or reference to, article 22 in the future instrument was approved by the following votes, subject to any amendments that might be made to it at the second reading:

Paragraph 1: 22 votes to none, with 3 abstentions.

Paragraph 2: 20 votes to none, with 1 abstention.

Article 22 as a whole: 22 votes to none, with 1 abstention.

E/CONF.17/3, paragraph 52 (article 23)

Mr. JOBEZ (France) said that his Government had not included article 23 in its

draft protocol, because in the matter of public assistance France did not accord to all aliens the same treatment it accorded to its nationals. It had therefore not felt it possible to grant such treatment to stateless persons.

Mr. VOIGT (Federal Republic of Germany) said that, in his country, there were a few slight differences between the treatment accorded to aliens and to nationals in the matter of public assistance which compelled his delegation to make reservations on article 23.

The inclusion of, or reference to, article 23 in the future instrument was approved by 17 votes to none, with 6 abstentions, subject to any amendments that might be made to it at the second reading.

E/CONF.17/3, paragraph 53 (article 24)

Mr. HOLMBACK (Sweden) said that when Sweden ratified the Convention relating to the Status of Refugees, which would probably be very soon, it would make reservations on paragraphs 1, 2 and 3 of article 24. Swedish legislation on labour and social security prevented his country from assuming all the obligations mentioned in that paragraph. For the same reasons, Sweden would have to make reservations on those paragraphs if they were inserted in the proposed instrument.

Mr. GRANDJEAN (Switzerland) said that, in the case of an instrument concerning stateless persons as in that of the Convention relating to the Status of Refugees, his Government would have reservations to make on paragraphs 1, 2 and 3 of article 24, for reasons similar to those given by the representative of Sweden.

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Mr. DONS (Norway) recalled that when Norway had ratified the Convention relating to the Status of Refugees its legislation had not allowed it to assume all the obligations mentioned in article 24 and that, consequently, it had had to make reservations. Since then Norwegian legislation had been modified and it had been possible to withdraw some of the reservations. It was still not possible, however, to apply the provisions of the article to stateless persons and Norway would have the same reservations to make as in the case of the Convention relating to the Status of Refugees, although it hoped that a further change in its legislation would permit of their subsequent withdrawal.

The PRESIDENT, speaking as the representative of Denmark, recalled the reservations made by his Government on paragraphs 1 and 2 of the Convention relating to the Status of Refugees and said that similar reservations would have to be made on those same provisions if it was decided to apply them to stateless

persons.

Mr. JOBEZ (France) said that France had ratified the Geneva Convention without making any reservation on article 24. It had not, however, felt that it could accept the application of the article to stateless persons, since French legislation was somewhat complex and involved certain concepts such as that of reciprocity.

Mr. HERMENT (Belgium) pointed out that article 24, paragraph 1 was almost identical to a provision in Convention No. 97 of the ILO which many States had already ratified. He had drawn attention to the similarity because it might perhaps induce certain Governments to change their attitude.

Mr. TRUJILLO (Ecuador) requested that article 24 should be put to the vote paragraph by paragraph, with a separate vote on each sub-paragraph of paragraph 1.

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The inclusion of, or reference to, article 24 of the future instrument was approved by the following votes, subject to any amendments that might be made to it at the second reading:

Paragraph 1, sub-paragraph (a): 17 votes to none, with 6 abstentions.

Paragraph 1, sub-paragraph (b): first six lines: 16 votes to none, with 7 abstentions.

Paragraph 1, sub-paragraph (b)(i): 12 votes to none, with 9 abstentions.

Paragraph 1, sub-paragraph (b)(ii): 14 votes to none, with 9 abstentions.

Paragraph 2: 14 votes to none, with 9 abstentions.

Paragraph 3: 16 votes to none, with 7 abstentions.

Paragraph 4: 16 votes to none, with 7 abstentions.

Article 24 as a whole: 17 votes to none, with 6 abstentions.

E/CONF.17/3, paragraph 54 (article 25)

Mr. HOLMBACK (Sweden) said that, as it had already done in the case of the Convention on refugees, the Swedish Government would have to make a reservation on article 25, since it could not assume the obligation of delivering documents or certificates to persons about whom it possessed no information. It was certainly not the intention of article 25 to impose such an obligation on Governments in every case but in view of the terms in which it was drafted a reservation seemed necessary.

Mr. BROWN (United Kingdom) recalled that his Government, too, had made reservations on the article in the case of the Geneva Convention. The United

Kingdom delegation was, however, in favour of the inclusion of the whole of the article in the new instrument, firstly because it did not wish to prevent those Governments who could apply all the provisions of the article from doing so and secondly because the article set, as it were, a goal, which the United Kingdom would seek to attain.

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The PRESIDENT recalled that at Geneva agreement had been reached on the interpretation to be given to article 25: there was no question of imposing on Governments the obligation of delivering authentic documents but rather documents which in practice replaced them and would therefore allow refugees and stateless persons to perform the acts of civil life. It was in the light of that interpretation of article 25 that the Danish Government had signed the Convention without making a reservation on that article and he hoped that the Conference would not now adopt another interpretation which might lead the Danish Government to change its attitude.

Mr. JOBEZ (France) said that, by an Act of 25 July 1952, the French Parliament had set up an office for the legal and administrative protection of refugees and stateless persons and that by virtue of that Act the Government issued to refugees and stateless persons all the documents they required to perform the acts of civil life, thus replacing documents that the authorities of the country of origin had failed to provide. The French delegation had no difficulty, therefore, in supporting the inclusion of article 25.

In reply to a remark by Mr. TUNCEL (Turkey), the PRESIDENT pointed out that paragraph 3 should be interpreted in the light of paragraph 2. It was therefore clear that the words “*remplaceront les actes officiels*” in the French text of paragraph 3 should be understood as meaning “*tiendront lieu d’actes officielles*.” It did not seem necessary, therefore, to replace the former by the latter expression.

The inclusion of, or reference to, article 25 in the future instrument was approved by 17 votes to none, with 3 abstentions, subject to any amendments that might be made to it at the second reading.

Mr. MENDEZ (Philippines) proposed that the meeting should be adjourned.

The meeting rose at 6 p.m.

Eighth Meeting, 17 September 1954

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/SR.8 29 September 1954

CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

SUMMARY RECORD OF THE EIGHTH MEETING

Held at Headquarters, New York, on Friday, 17 September 1954, at 10.45 a.m.

Contents

Revision of the draft Protocol relating to the status of stateless persons in the light of the provisions of the Convention relating to the Status of Refugees of 28 July 1951 and of the observations made by the Governments concerned: consideration of the substantive provisions to be applied to stateless persons (A/CONF.2/108, E/CONF.17/3) (continued)

President: Mr. LARSEN Denmark

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REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS IN THE LIGHT OF THE PROVISIONS OF THE CONVENTION RELATING TO THE STATUS OF REFUGEES OF 28 JULY 1951 AND OF THE OBSERVATIONS MADE BY THE GOVERNMENTS CONCERNED: CONSIDERATION OF THE SUBSTANTIVE PROVISIONS TO BE APPLIED TO STATELESS PERSONS (A/CONF.2/108, E/CONF.17/3) (continued)

E/CONF.17/3, para. 55 (article 26)

Mr. SCHELTEMA (Netherlands) said that the article was generally acceptable to his delegation. He had, however, been instructed by his Government to reserve its right, for purposes of public order, to assign certain places of residence to stateless persons.

Mr. TUNCEL (Turkey) said that his country was in the same position as the Netherlands with regard to article 26. The right of stateless persons to choose their place of residence was contrary to Turkish law and his Government might therefore make a reservation.

The inclusion of or reference to the article in the future instrument was approved by 16 votes to none, with 1 abstention.

E/CONF.17/3, para. 56 (article 27)

Mr. HERMENT (Belgium) thought that the words “*se trouvant*” in the French were too vague and should be replaced by the word “*résidant*.”

Mr. VOIGT (Federal Republic of Germany) thought that it would be better to use the words “*résidant régulièrement*” in the French text and “lawfully resident” in the English text.

Mr. BROWN (United Kingdom) felt that if the words “lawfully resident” were introduced into the article it would be meaningless if article 28 were subsequently adopted. He could not visualize any circumstances under which a stateless person could stay without documents in a country where he was not a resident. If, by some chance, that did happen, such persons could be issued with identity papers which did not confer any special privileges on them.

The PRESIDENT explained that the Style Committee at Geneva had had long discussions about the English translation of “*résidant régulièrement*” and had adopted the words “lawfully staying” (A/CONF.2/102, para. 5).

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Mr. BOZOVIC (Yugoslavia) said that the article was acceptable to his delegation. Some distinction should, however, be made between identity and travel papers. He agreed with the representatives of Belgium and the Federal Republic of Germany on the question of residence. The text should not mean that identity papers could be issued to anyone who happened to be staying in a country; grant of them should be based on a definite fact such as residence.

Mr. HOLMBACK (Sweden) recalled that at the 1951 Conference a distinction had been drawn between article 27 and article 28. Under article 27 a refugee could be issued identity papers without being a resident whereas he had to be a resident to enjoy the benefits provided under article 28. In view of that distinction he did not think it appropriate to alter article 27.

Mr. HERMENT (Belgium) thought that the distinction mentioned by the representative of Sweden was based on the fact that a refugee was issued provisional papers until his status had been definitely established following exhaustive inquiries, after which he could be issued valid travel documents. Such, at least, was the practice in Belgium. In his opinion, therefore, article 27 referred to

provisional identity papers.

Mr. de BARROS GOMES (Brazil) pointed out that any refugee or stateless person arriving in his country without identity papers was issued provisional papers valid for six months, after which he had the possibility of obtaining a valid travel document.

Mr. BOZOVIC (Yugoslavia) thought that there were two aspects to the question. If article 27 were interpreted as referring to provisional identity papers, it would be better to leave it unchanged but, if it referred to the final identity papers issued by some countries, the word “in” should be changed to “lawfully staying in.”

Miss SENDER (International Confederation of Free Trade Unions) wondered whether the word “lawfully” should appear in the text, since in many cases stateless persons were not legally entitled to stay in a country.

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Mr. LOOMES (Australia) thought it best not to give too precise a definition of the words “identity papers,” which could cover both provisional and final documents of the kind issued to aliens under similar circumstances. He was in favour of the article being left unchanged.

Mr. AYCINENA (Guatemala) pointed out that in his country an alien was not regarded as a permanent resident unless he produced identity papers first.

Mr. BROWN (United Kingdom) observed that, if article 27 referred only to provisional identity papers, the countries concerned were under no obligation to issue final papers to stateless persons and could interpret the article in the light of their own legislation.

Mr. JOBEZ (France) was of the opinion that article 27 should remain unchanged and refer to both provisional and final papers.

Mr. BOZOVIC (Yugoslavia) agreed that the article should be left as it stood, for each country to interpret according to its legislation.

Mr. SERRANO GARCIA (El Salvador) said that his delegation agreed with the present wording of article 27, which was fully in accordance with the spirit of the 1951 Convention.

The PRESIDENT felt that the Conference had perhaps been misled by the fact that in some countries identity papers included a statement from the issuing authority

indicating whether the person in question was allowed to stay in the country.

The inclusion of or reference to the article in the future instrument was approved by 18 votes to none, with 2 abstentions.

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E/CONF.17/3, para. 57 (article 28)

Mr. LOOMES (Australia) recalled that in ratifying the Convention relating to the Status of Refugees his Government had made a reservation whereby article 28 would not be applied. His delegation did not consider the article desirable in connexion with stateless persons and shared the view of the Government of France, which had excluded reference to the article in its draft protocol (E/2373/Add.4).

Mr. HERMENT (Belgium) asked the representatives of Australia and France what travel documents would be available to stateless persons if article 28 were excluded.

Mr. BOZOVIC (Yugoslavia) said that the article was generally acceptable to his delegation. However, he had two reservations. First, the words "shall issue" were obligatory in meaning in spite of the fact that the issue of travel documents was closely linked with the right of every State to regulate the admission and residence of all aliens, including stateless persons. On that point, he was in agreement with the comments of the Netherlands Government on article 27 (E/2373/Add.13). Secondly while he would agree, in connexion with paragraph 2 of the article, that his Government should recognize travel documents issued by parties to an agreement to which it was itself a party, he could not agree that it should necessarily recognize those issued by parties to an agreement, in which the Yugoslav Government had had no part.

Mr. JOBEZ (France) explained why his delegation did not wish article 28 included or referred to in the instrument on stateless persons. It would be confusing to issue to stateless persons travel documents modelled on a document that had been drafted especially for refugees. Moreover, under regulations adopted in 1949 stateless persons in France received travel documents equivalent to those provided for in article 28. There was therefore no reason to create an additional travel document.

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Mr. BROWN (United Kingdom) said that his delegation hoped that the article would be included in the proposed international instrument. From the standpoint of benefits to stateless persons, the article was one of the most important in the entire

document. He appreciated that stateless persons in France would suffer no disability from the exclusion of the article, but unfortunately the system that existed in France did not exist in all countries. The absence of a national passport and of any entitlement to a travel document in lieu thereof was one of the most serious disabilities under which many stateless persons laboured. They were completely dependent upon the administrative benevolence of the State in which they resided. The article would give to a carefully defined class of stateless persons, those who were "lawfully staying" in the territory of a Contracting State, a definite right to a travel document.

The PRESIDENT, speaking as representative of Denmark, observed that there would be ample opportunity, when the Conference examined the Schedule to the Convention, to decide to what extent the model travel document for refugees should apply to stateless persons. However, it might be in order at the present stage to point out that the first point made the French representative was important. There would have to be a difference between the travel document for refugees and that for stateless persons, even if the Conference decided to adopt the same provisions for both categories of persons. The community of States acceding to the Convention on refugees would not necessarily be the same as that adhering to the instrument on stateless persons. Moreover, it would be highly desirable for the authorities to be able readily to determine whether an alien entering their country was to be treated in accordance with the Geneva Convention on Refugees or the New York instrument on stateless persons.

The two types of travel documents might be different in color and would have to have differences in the text, depending on the provisions of the relative instruments. An identical text might embarrass the High Commissioner for Refugees, who had no responsibility for stateless persons.

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Mr. BROWN (United Kingdom) hoped that it would not be necessary to change the substance of the travel document. A difference of colour and a change in the material in parentheses under the heading "Travel Document" should be sufficient. He emphasized the advantages of a uniform travel document for all stateless persons in States parties to the new instrument.

Mr. LOOMES (Australia), replying to the question by the Belgian representative, explained that Australian law already provided for the issue of travel documents to stateless persons. He saw no need for a new form of the kind contained in the Schedule.

Mr. BOZOVIC (Yugoslavia) felt there was no disagreement as to substance; the technical difficulties might be overcome with a little thought. For example, the Conference might decide to make the form of the travel document in the Schedule a recommendation instead of an obligation. In any event, he would suggest that further consideration of article 28 should be deferred to a later meeting.

It was so agreed.

E/CONF.17/3, para. 58 (article 29)

The inclusion of, or reference to, article 29 in the future instrument was approved by 18 votes to none, with 2 abstentions.

E/CONF.17/3, para. 59 (article 30)

Mr. HERMENT (Belgium) observed that the subject matter of article 30 concerned refugees primarily and was not applicable to stateless persons. The *Ad Hoc* Committee had quite properly decided not to refer to it in the draft protocol.

Mr. BROWN (United Kingdom) felt that the words “in conformity with its laws and regulations” protected Contracting States against any possible abuse of the provisions of article 30. There might be some instances where stateless persons would benefit from such provisions, and his delegation proposed the inclusion of, or reference to, the article.

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Mr. GRANDJEAN (Switzerland) supported the United Kingdom proposal.

Mr. DONS (Norway) also supported the United Kingdom proposal, but indicated that his Government might have to make certain reservations to the article.

The inclusion of, or reference to, paragraph 1, paragraph 2 and the whole of article 30 in the future instrument was approved by 15 votes to none, with 5 abstentions.

E/CONF.17/3 para. 60 (article 31)

Mr. JOBEZ (France) observed that the article was applicable only to refugees. A stateless person would not be under the pressures described in the article.

Mr. VOIGT (Federal Republic of Germany) agreed with the French representative.

The PRESIDENT said that the Conference could dispense with further consideration of the article unless there was a formal proposal to include it or refer to it in the new international instrument.

E/CONF.17/3, para. 61 (article 32)

Mr. HERMENT (Belgium) said that although the article was applicable primarily to refugees, his delegation could accept it for stateless persons with the exception of the second sentence of paragraph 2, which conflicted with his country's regulations.

Mr. JOBEZ (France) said that his Government could not accept article 32 for different reasons. It felt that the article concerned refugees in particular, who could hardly be expelled except on grounds of national security.

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That would not be true in the case of stateless persons. Moreover, pursuant to the 1951 Convention, the French Government in 1952 had passed a law providing a certain procedure for refugees exercising the right of appeal from administrative decisions relating to articles 31, 32 and 33. As stateless persons were not the responsibility of the High Commissioner, he did not think that they should enjoy the privileges of that procedure. Stateless persons, like all aliens in France, could ask the competent administrative authority to review its expulsion order.

Mr. BROWN (United Kingdom) said that his delegation supported the view of the *Ad Hoc* Committee with respect to article 32. He agreed that there was a stronger case for applying the benefits of the article to refugees than to stateless persons but he thought that the latter should have some kind of guarantee against arbitrary expulsion. He pointed out that under the expression "save on grounds of national security or public order" in paragraph 1, Contracting States would retain very wide powers because the interpretation of that expression would have to be left to each Government. In other words, all that was asked was that Contracting Parties should grant to stateless persons what they were prepared to grant to aliens generally.

Paragraph 2 was almost identical with article 13 of the draft covenant on civil and political rights just completed by the Commission on Human Rights, and he felt that most countries would be able to accept the whole of that paragraph.

Paragraph 3 seemed to be almost equally applicable to refugees and stateless persons. There were strong grounds for reasonable delay to enable stateless persons to find a country that would accept them.

Mr. LOOMES (Australia) recalled that, in signing the Geneva Convention, his Government had made a reservation whereby it did not accept article 32. He felt that there was even less reason to apply the substance of the article to stateless persons.

Mr. HERMENT (Belgium) observed that, as in France, his country's law made a special exception in favour of refugees, with representation by a representative of the High Commissioner against an expulsion order. His Government was not prepared to extend such rights to stateless persons.

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Mr. AYCINENA (Guatemala) explained that many of his Government's regulations were being revised and he wished to reserve its right to make a reservation to the article when it ratified the instrument.

The PRESIDENT, speaking as representative of Denmark, said that paragraphs 2 and 3 met the possible requirements of stateless persons who could not have recourse to any diplomatic representatives of their own and protected them from unfair treatment. Paragraph 3 covered situations in which the country of former nationality would not accept the return of a person who had lost or renounced that nationality.

Mr. PASTRANA (Colombia) said that he was against the inclusion of or reference to article 32 and that, if it was adopted, his Government would make a reservation at the time of ratification. Its purport would not square with existing Colombian law.

Mr. BOZOVIC (Yugoslavia) said that he was in complete agreement with the spirit of article 32, even though it concerned refugees more than stateless persons. He had noted, however, that article 33 of the 1951 Convention had not been included in the draft protocol and he wondered whether some of the essential ideas in article 33 might not somehow be combined with those in article 32. It would be intolerable that a stateless person should be returned to the frontiers of territories where his life or freedom would be threatened.

The PRESIDENT, speaking as representative of Denmark, said that in Denmark any stateless person in such a position would be treated as a potential refugee and given the status of a *refugié sur place*.

Mr. BOZOVIC (Yugoslavia) said that that would be satisfactory, provided that the terminal date of 1 January 1952 was not retained in the definition.

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The PRESIDENT, speaking as representative of Denmark, said that article 32, paragraph 1, had been adopted at the 1951 Conference in order to cope with the circumstances of a refugee in flight from his country. Expulsion would be permitted

only on grounds of national security or public order. Stateless persons, however, might become liable to expulsion for other reasons, such as overstaying the period for which they were admitted to a country. They could not be said to have endangered national security, but administratively the offence might be deemed for convenience to constitute a breach of public order. Such an extended construction of the term “public order,” as applied to stateless persons, might well lead to a similar construction of the same words as applied to refugees, and thus weaken the provision in the 1951 Convention. The Danish Government could not accept that paragraph and it was to be feared that many other countries would also have to make reservations to it.

Mr. BROWN (United Kingdom) said that that point had not occurred to his delegation. There might be some doubt whether, in the normal course of events, a stateless person could be expelled for failure to comply with regulations. The difficulty might be met by the substitution of the words “habitually resident” for “lawfully.” That would give stateless persons a greater degree of protection than other aliens.

Mr. VOIGT (Federal Republic of Germany) said that, although it was true that the difference between refugees and stateless persons should always be borne in mind, their position was very similar with regard to the specific case of expulsion. An expulsion order against a stateless person could rarely be executed. Perhaps the difficulty could be overcome by specifying that the stateless person must have been lawfully resident in a country for a stated period. It was true that that would create different categories of stateless persons, but that might, in the particular instance, be more useful than harmful. Aliens resident for a long time in a country were in fact largely assimilated to nationals, even though they did not have the nationality.

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Mr. de BARROS GOMES (Brazil) observed that under the Brazilian Constitution no alien could be expelled save on grounds of public order, and even then, he could not be deported if he had a Brazilian wife or dependent children. Stateless persons had the same rights as other aliens. He could, therefore, have no objection to the paragraph.

The PRESIDENT, speaking as representative of Denmark, said that the objection was legal rather than administrative. He would, however, be prepared to accept the paragraph, on the understanding that a reservation might be made subsequently.

Mr. HOLMBACK (Sweden) cited the various terms used in connexion with residence in articles 12, 14, 26 and 28 and concluded that the paragraph might best

be amended by the use of the term “habitually residing.”

Mr. BROWN (United Kingdom) agreed that that was probably the best term. It would probably be unwise to specify a stated period of residence; each State should use its own discretion.

Mr. HERMENT (Belgium) doubted the wisdom of abandoning the word “lawfully”; many stateless persons resided in countries unlawfully for years and ought to be liable to expulsion.

Mr. BOZOVIC (Yugoslavia) said that his support of paragraph 1 had been shaken by the arguments against it. The danger of an expanded construction of the term “public order” was a very real one.

Mr. SCHELTEMA (Netherlands) observed that in general he had no objection to the inclusion of or reference to article 32, but difficulties had arisen with regard to paragraph 1 and he had asked for further instructions. He might have to submit an amendment, possibly along the lines suggested by the German representative. He therefore suggested that the decision, at least on paragraph 1, should be postponed.

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The PRESIDENT said that it would be useful for the delegations concerned to attempt to work out a text for submission to the next meeting.

It was so agreed.

E/CONF.17/3, para. 63 (article 34)

The inclusion of or reference to the article in the future instrument was approved by 17 votes to none, with 2 abstentions.

E/CONF.17/3, para. 65 (article 36)

The PRESIDENT pointed out that article 36 had been adopted by the 1951 Conference in place of a differently worded article 31 of the convention drafted by the *Ad Hoc* Committee, and reproduced in the draft protocol. The inclusion of or reference to either of the drafts—which were not mutually exclusive—would require a formal proposal by one of the delegations.

Mr. BROWN (United Kingdom) proposed the inclusion of or reference to article 36 of the Convention relating to the Status of Refugees.

Mr. HERMENT (Belgium) proposed the inclusion of or reference to article 31 of the draft convention.

Mr. TUNCEL (Turkey) said that article 36 of the Convention raised important matters of principle which needed further consideration. He asked whether it was really advisable to burden the Secretary-General in that way.

Mr. SCHWELB (Secretariat) replied that the Secretary-General would find no difficulty in performing the work. As the depositary of international instruments, he frequently discharged such functions.

The PRESIDENT observed that the purpose of the article was simply to have a single centre at which the pertinent laws and regulations could be consulted by Member States.

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Mr. TUNCEL (Turkey) reminded the Conference that the Secretary-General had referred in the Economic and Social Council to the very voluminous documentation which the Secretariat was requested to prepare. He wondered whether such a compilation would really be useful.

After a brief procedural discussion, Mr. BROWN (United Kingdom) moved the adjournment of the meeting.

The motion for adjournment was adopted.

The meeting rose at 1.10 p.m.

Ninth Meeting, 17 September 1954

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/CONF.17/SR.9 30 September 1954

CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

SUMMARY RECORD OF THE NINTH MEETING

Held at Headquarters, New York, on Friday, 17 September 1954, at 3 p.m.

Contents

Statement by the President regarding the credentials of representatives.

Revision or the draft protocol relating to the status of stateless persons in the light of the provisions of the Convention relating to the Status of Refugees of 28 July 1951 and of the observations made by the Governments concerned (A/CONF.2/108, E/CONF.17/3, E/2372 and Add.1 to 14; E/CONF.17/L.5, L.7, L.8, L.9) (continued)

President: Mr. LARSEN (Denmark)

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STATEMENT BY THE PRESIDENT RECORDING THE CREDENTIALS OF REPRESENTATIVES

The PRESIDENT intimated that the Credentials Committee had not yet completed its work. He had noted however, in examining the letters of credence and other documents relating to the credentials of representatives, that some of them had full powers to sign only a protocol. It now seemed probable that the Conference would decide to prepare a separate convention; it might well be asked, therefore, whether those representatives had the necessary powers to sign such a convention. He did not, of course, know what decision the Credentials Committee would take on the matter but he had considered it advisable to draw the attention of the representatives concerned to that point, so that they could request further powers from the competent authorities of their countries should they deem that necessary.

Mr. SCHELTEMA (Netherlands) recalled that he had presided over the Credentials Committee of the Conference on customs formalities which had recently been held at United Nations Headquarters. A similar situation had arisen, inasmuch as the Conference had decided to prepare two instruments, whereas only one had originally been anticipated, and some of the representatives had had full powers to

sign one instrument only. The Committee had decided that there was no real difficulty in view of the similarity of the substance of the two instruments. That argument was equally valid in the case under discussion.

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS IN THE LIGHT OF THE PROVISIONS OF THE
CONVENTION RELATING TO THE STATUS OF REFUGEES OF 28 JULY 1951
AND OF THE OBSERVATIONS MADE BY THE GOVERNMENTS CONCERNED
(A/CONF.2/108, E/CONF.17/3, E/2372 and Add.1-14, E/CONF.17/L.5, L.7, L.8, L.9)
(continued)

E/CONF.17/3, paragraph 65 (article 36) (continued)

In reply to Mr. LOOMES (Australia), the PRESIDENT explained that at the previous meeting the United Kingdom delegation had proposed that article 36 of the Convention should be included in the new instrument, while the Belgian

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delegation had proposed the inclusion of article 31 of the original draft convention (E/CONF.17/3, paragraph 65). As the Australian representative had pointed out, the two texts differed in substance; he himself, however, did not feel that they were mutually exclusive or that the adoption of the one would require the adoption of the other.

The Geneva Conference had not adopted the text proposed by the *Ad Hoc* Committee, namely, article 31 of the draft convention. It had considered that the States which signed and ratified the Convention must *a priori* be regarded as acting in good faith and hence as prepared to adopt the legislative or other necessary measures to ensure the implementation of the provisions of the Convention. It had therefore seen no need to include in the Convention a provision expressly calling upon the Contracting States to adopt such measures.

Mr. ROBINSON (Israel) pointed out that, when the Geneva Conference had rejected the text proposed by the *Ad Hoc* Committee, it had taken into account the differences in constitutional structure of the various States. While in some countries ratified international instruments automatically became part of the domestic legislation, in other countries ratification was preceded or followed by the adoption of measures designed to incorporate in the legislation the changes which the Government deemed necessary to ensure the implementation of the instruments. It was for this constitutional reason, as also for the considerations mentioned by the President, that the Conference had finally decided not to include the text proposed by the *Ad Hoc* Committee in the Convention.

Mr. BROWN (United Kingdom) explained that he had originally proposed the inclusion of article 36 of the convention in the new instrument on the understanding that the adoption of that article would exclude that of article 31 of the draft convention and *vice versa*. He had thus hoped to avoid any decision on the text of article 31, regarding which he had received no instructions from his Government.

On reflection, he recognized that the two texts differed in substance and were thus not mutually exclusive. That being so, he maintained his proposal for the inclusion of article 36, as a separate proposal from that of Belgium.

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He was generally opposed to the wording of article 31 of the draft convention. Its adoption would in any event be unjustified, inasmuch as it would add nothing to the text.

Mr. HERMENT (Belgium) said that he too had anticipated that it would be a matter of choosing between the two provisions. Like the United Kingdom representative, he realized that that was not the proper approach to the problem and he therefore withdrew his proposal for the insertion of article 31. He would, however, vote against the inclusion of article 36.

Mr. TUNCEL (Turkey) said that the Israel representative's explanations had dispelled his delegation's diffidence about the meaning of article 36, which was a provision of interest to a number of States for which the application of an international instrument required the adoption of special domestic measures. Hence it did not concern Turkey, for any convention or treaty ratified by the by the Turkish Parliament automatically acquired force of law. The Turkish delegation had been struck by an inconsistency between the text of the article and its title; the latter seemed to indicate that Governments were invited to transmit information regarding all the laws and regulations which they might adopt generally regarding stateless persons.

For these reasons the Turkish Government had objected to the inclusion of the text of article 36 in the new instrument but, after the explanations given, it appeared that that article would be of limited application and he was therefore prepared to vote for its insertion.

The inclusion of, or reference to, article 36 in the future instrument was approved [several words are illegible] with 1 abstention, subject to any amendments that might be made at the second reading.

E/CONF.17/3, paragraph 66 (article 37)

The PRESIDENT pointed out that article 37 was the last one before the final clauses, which would be studied at a later stage. It did not seem applicable to stateless persons and the Conference was not therefore called upon to decide upon it.

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The Conference could either pass to the question of defining the term “stateless person” or return to articles 8, 15, 17, 28 and 32, regarding which it had deferred its decision.

Mr. LOOMES (Australia) proposed that the second suggestion should be followed.

It was so decided.

E/CONF.17/3, paragraph 37 (article 8) (continuation of the discussion)

The PRESIDENT recalled that, as the representative of Denmark, he had proposed a purely formal amendment (E/CONF.17/L.5) to article 8, the purpose of which was to make the necessary changes in article 8 in order to make it applicable to stateless persons.

Mr. BROWN (United Kingdom) recalled that his delegation had objected to the inclusion of an article similar to article 8 in the new instrument. The Danish amendment did not change the substance of the text, as the President himself had pointed out, and the position of the United Kingdom delegation with regard to article 8 therefore remained unchanged whatever the ultimate decision on the amendment.

Nevertheless he suggested to the Danish delegation a slight drafting change, which would somewhat lengthen but at the same time improve the text of article 8 as a whole: the words “solely on account of such nationality” should be replaced by the words “solely on account of having previously possessed the nationality of the foreign State in question.”

The PRESIDENT, speaking as the representative of Denmark, accepted the United Kingdom amendment.

Mr. AYCINENA (Guatemala) did not think it was necessary to put the Danish amendment to the vote; it was on the substance of article 8 that the Conference had to take a formal decision. He therefore suggested that, unless

there were any objections, the Danish amendment should be regarded as adopted and that the Conference should then pass to the vote on article 8.

There being no objection, the Danish amendment to article 8 (E/CONF.17/L.5) was adopted.

The inclusion of, or reference to, article 8, thus amended, in the future instrument was approved by 10 votes to 2, with 8 abstentions subject to any amendments that might be made at the second reading.

E/CONF.17/3, paragraph 44 (article 15)

The PRESIDENT announced that Belgium and Turkey had each submitted an amendment to article 15 (E/CONF.17/L.7 and L.8). The Belgian amendment would be put to the vote first, in accordance with rule 26 of the rules of procedure.

Mr. BOZOVIC (Yugoslavia) recalled that his delegation had generally been in favour of according to stateless persons the treatment accorded to foreigners in general, except in certain special cases where the Convention would expressly provide for the treatment reserved for nationals of the country in question. That attitude was prompted, not by a lack of generosity towards stateless persons, but by the desire to take the requirements of the situation into account. Apart from the fact that the stateless person was usually in a privileged position compared with the refugee, some States were unable to accord to stateless persons, in respect of the right of association, “the most favourable treatment accorded to nationals of a foreign country, in the same circumstances.” The adoption of article 15 as it stood would thus mean imposing on some contracting States the unfortunate obligation to make reservations regarding the article. Hence it was preferable to adopt the form of words proposed by the Belgian representative, which would be acceptable to the majority because it authorized States to apply to stateless persons the treatment accorded to foreigners in general and at the same time left them free to provide more favourable treatment should they wish to do so.

In reply to an observation by Mr. LOOMES (Australia), Mr. TUNCEL (Turkey), supported by Mr. HERMENT (Belgium) and Mr. BOZOVIC (Yugoslavia), pointed out that there was a considerable difference between the Belgian and

the Turkish amendments in that, while both texts provided for the same minimum treatment—that accorded to foreigners in general—they differed with regard to the maximum treatment. The Turkish amendment established as the maximum the

most favourable treatment accorded to nationals of a foreign country, while the Belgian amendment went further and left a Contracting State free to apply to stateless persons “the most favourable treatment possible,” which meant not only the most favourable treatment accorded to nationals of a foreign country but, carried to extremes, the treatment accorded to the nationals of the country itself.

Mr. BROWN (United Kingdom), supported by Mr. LOOMES (Australia), took the view that, despite the difference just pointed out, the two amendments were equivalent in practice since both provided for the same minimum treatment, which in the last analysis was the heart of the matter. In the case of countries which did not at present accord stateless persons a more favourable treatment than the minimum provided by the Convention it would in fact be difficult to induce the competent authorities to exceed that minimum. It would be wrong to cherish too many illusions and the Conference should concentrate on the question of minimum treatment. At all events he would vote against both amendments, which set as low a minimum as possible.

Mr. TUNCEL (Turkey), reverting to the shade of difference in meaning between the two amendments, pointed out that a State could always accord the treatment it gave its own nationals should it so desire and that it was unnecessary for the Convention to contain a specific provision to that effect. The discussion had shown that a number of States seemed disinclined to accord to stateless persons the most favourable treatment accorded to nationals of a foreign country and with that fact in mind, the Turkish delegation had felt that such treatment should be provided for as the maximum, it being understood, once again, that the absence from the Turkish amendment of a theoretical provision for according the treatment applicable to nationals of the country of residence obviously did not mean that such treatment could not be accorded in practice.

The Belgian amendment to article 15 (E/CONF.17/L.7) was adopted by 17 votes to 1, with 1 abstention.

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The CHAIRMAN said that in the circumstances the Turkish amendment would not be put to the vote.

The inclusion of, or reference to, article 15, as amended, in the future instrument, was unanimously approved, subject to any modification that might be made at the second reading.

E/CONF.17/3, paragraph 46 (article 17)

The CHAIRMAN drew attention to a Turkish amendment (E/CONF.17/L.9) to article 17.

Mr. HERMENT (Belgium) said that he had intended to submit the same amendment to article 17 as to article 15. He asked the Conference to agree to consider that amendment, which was to be found in document E/CONF.17/L.7 relating to article 15.

It was so decided.

Mr. HERMENT (Belgium) said that if the Conference adopted the Belgian amendment, which provided for the application of the treatment accorded to foreigners in general, paragraphs 2 and 3 of article 17 would automatically be excluded.

The CHAIRMAN said that in any case paragraphs 2 and 3, which did not appear in the draft protocol, would not be put to the vote unless a representative formally proposed that they should be included.

Mr. BROWN (United Kingdom) formally proposed that paragraph 3 should be included. It was paragraph 2, and not paragraph 3, that had been the subject of reservations in the case of the Convention relating to the Status of Refugees. Furthermore paragraph 3 was merely a recommendation to States to accord the best possible treatment to stateless persons, and did not bind them in any way.

Mr. VOIGT (Federal Republic of Germany) proposed that paragraph 2 should be included and that the period of residence should be increased from three to five years.

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In reply to a question from Mr. AYCINENA (Guatemala), Mr. HERMENT (Belgium) stated that in his opinion the expression "three years' residence" should be construed as meaning three years' regular residence.

Mr. AYCINENA (Guatemala) said that he would be unable to vote for the amendment submitted by the Federal Republic of Germany. In his opinion the three-year period was already too long, for in some countries the laws and regulations in force required that a person should have lived in the country for a certain period before he could be regarded as a regular resident; in such a case it would be a considerable time before a stateless person would be able to benefit under paragraph 2, which would be unfair.

The CHAIRMAN acknowledged that some legal terms varied according to the country and that States could interpret the term “residence” in article 17 in accordance with their own legislation. The instrument to be drawn up must, however, impose equal obligations on the Contracting States, which would not be the case if the term “residence” had not the same meaning for all. The Guatemalan representative’s concern was therefore fully justified. The difficulty might be resolved if all states would bear in mind, when applying the instrument drawn up by the Conference, that the term “residence” was to be interpreted in its internationally accepted sense. It would not then be necessary for stateless persons to wait eight or ten years before having access to the benefit of paragraph 2.

Mr. BOZOVIC (Yugoslavia) agreed with the United Kingdom representative that, if the Conference decided to adopt article 17, paragraph 3 might be included in it. He would, however, vote against the Belgian amendment and the inclusion of paragraph 2 in any case; if the amendment proposed by the Federal Republic of Germany was adopted his opposition would be even stronger. If a country took steps to protect the national labour market, stateless persons with three, four and five years of residence would be the first to be affected. Moreover he could not accept the restriction that a stateless person who abandoned his spouse might not invoke the benefit of the provision in paragraph 2(b), for the stateless person in question might have very serious reasons for doing so.

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Mr. BROWN (United Kingdom) supported the amendment submitted by the representative of the Federal Republic of Germany. When the United Kingdom had signed the Convention relating to the Status of Refugees it had made a reservation to the effect that in its own case the period provided for in paragraph 2(a) should be four years. He was therefore readily able to accept the proposed period of five years. With regard to the Yugoslav representative’s comments, it was true that the paragraph accorded rights to a limited number of stateless persons, but that did not mean that other stateless persons were left unprotected: they would have the benefit of article 5, which preserved for them the rights and advantages they might already enjoy independently of the instrument to be drawn up. Lastly, even though the paragraph protected only a certain category of stateless persons, they should not be deprived of such benefits by the rejection of the paragraph.

The Belgian amendment was adopted by 15 votes to 3, with 1 abstention.

Mr. TUNCEL (Turkey) withdrew his amendment.

The inclusion of, or reference to, paragraph 1 of article 17, as amended, in the future instrument was approved by 17 votes to none, with 2 abstentions, subject to any amendments that might be made at the second reading.

Mr. BOZOVIC (Yugoslavia) asked for a separate vote on the proposal of the Federal Republic of Germany to replace the word “three” in paragraph 2 by the word “five.”

The CHAIRMAN pointed out that the amendment of the Federal Republic of Germany was to include paragraph 2 and to increase from three to five years the period provided for. Hence rule 25 of the rules of procedure could not be invoked.

Mr. HERMENT (Belgium) did not feel that paragraph 2 could be included, for under paragraph 1, as amended, stateless persons would enjoy the same treatment as all foreigners in general.

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Mr. VOIGT (Federal Republic of Germany) proposed that the words “In any case” should be replaced by the word “Nevertheless,” to make it clear that the paragraph referred to exceptional cases.

The CHAIRMAN, speaking as the representative of Denmark, said that in his opinion it was difficult to adopt a different expression from that used in the Convention relating to the Status of Refugees, for it might raise the question of what distinction had been intended. The use of the words “In any case” seemed as justifiable in the present case as in the Convention adopted by the Geneva Conference; under paragraph 2 a certain category of stateless persons was to be exempted from restrictive measures applied by a State to the nationals of a foreign country who enjoyed the most favourable treatment.

Mr. MENDEZ (Philippines) suggested that the first sentence of the paragraph should be amended as follows: “If, however, the Contracting States impose . . . these measures shall not apply . . .”.

Mr. BROWN (United Kingdom) pointed out that the effect of the Belgian amendment was to reduce the advantages accorded by the original paragraph 1. Paragraph 2 now, therefore, provided something additional: a certain category of stateless persons. The Belgian amendment, however, provided for two different modes of treatment of stateless persons and it was accordingly logical to retain the expression “In any case.”

Mr. ROBINSON (Israel) considered that the expression was justified in either case. Paragraph 1 of article 17 was concerned with the right to engage in wage-earning

employment *in abstracto*, while paragraph 2 was concerned with the particular case of exemption from the restrictive measures which a State might impose for the protection of the national labour market. Such restrictions should, in the intention of the Convention (Protocol), be inoperative irrespective of the Convention (Protocol), be inoperative irrespective of the general regime to which the refugee (stateless person) was subjected. Hence, despite the Belgian amendment to the first paragraph, the expression “In any case” remained logical.

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The amendment of the Federal Republic of Germany was rejected by 10 votes to 5, with 3 abstentions.

The United Kingdom amendment was adopted by 16 votes to none, with 2 abstentions.

The inclusion of, or reference to, article 17, as amended, in the future instrument was approved by 17 votes to none, with 1 abstention, subject to any amendments that might be made at the second reading.

E/CONF.17/3, paragraph 57 (article 28)

Mr. BOZOVIC (Yugoslavia) reminded the Conference that it was he who had proposed the postponement of the discussion of article 28. Some States considered that that article should not modify their right to regulate the movement of stateless persons in their territory. By way of compromise he suggested that the clause “the provisions of the Schedule to this Convention shall apply with respect to such documents” should be deleted. That amendment would meet the wishes of the States which desired to include the article in the proposed instrument and would eliminate many practical difficulties.

Mr. TUNCEL (Turkey) supported the Yugoslav proposal.

Mr. BROWN (United Kingdom) pointed out that it was essential to include article 28. In his view the Yugoslav representative’s proposal would resolve the difficulties confronting some delegations and he was inclined to support it. He felt, however, that there should be a reference to the document mentioned in the Schedule to the Geneva Convention but that the adoption of that document should not be made obligatory; it would thus be possible to make travel documents uniform to a certain extent.

Mr. JOBEZ (France) said that he had explained at the previous meeting why his Government could not agree to the inclusion of article 28. If, however, the only obligation imposed on the Contracting States under that article was that of issuing travel documents, the French delegation would be able to accept it,

since the French Government already issued travel documents to stateless persons. He felt that it would be wise to prepare a standard travel document that might be included in a recommendation annexed to the instrument which the Conference was to prepare. He would be unable, however, to vote for the inclusion of paragraph 2, which referred *inter alia* to a 1946 agreement concerning travel documents to which France was not a party.

Mr. HERMENT (Belgium) agreed with the French representative's view. The Contracting States should, however, undertake not to issue to stateless persons the same passport as was issued to refugees.

Me. SCHELTEMA (Netherlands) supported the Yugoslav representative's proposal and recalled that the observations submitted by the Netherlands concerning article 27 (E/CONF.17/3, paragraph 56) also applied to article 28.

Mr. GRANDJEAN (Switzerland) and Mr. LOOMES (Australia) also supported the Yugoslav representative's proposal.

Mr. de MIERA-PENNA (Brazil) said that his country made no distinction in that respect refugees and stateless persons, and issued to aliens residing in Brazil passports enabling them to travel abroad and to return to Brazil if they had an identity paper certifying that they resided there permanently.

Mr. BOZOVIC (Yugoslavia) again pointed out that Governments must in no case issue travel documents reserved for refugees to stateless persons.

Mr. TUNCEL (Turkey) thought that it was inadvisable to mention that the travel document issued to stateless persons was different from that issued to refugees under the Geneva Convention. That would create difficulties for the Governments that had not ratified the Convention, for they might be obliged to amend their national legislation. He also proposed the deletion of paragraph 2, because there were no previous international agreements concerning stateless persons.

Mr. BOZOVIC (Yugoslavia) agreed that the Turkish representative's remark was justified. Had a State ratified both instruments, it would be natural for it to distinguish between the two travel documents; if it had ratified the Geneva Convention only, it would continue to issue the same documents as hitherto; that solution would eliminate the difficulties which certain countries, such as Brazil,

might encounter.

The PRESIDENT thought that, in any case, States must distinguish between the two travel documents; they must not issue the passport intended for refugees either to stateless persons or to their own non-refugee nationals, for the Geneva Convention would otherwise be violated.

The Yugoslav proposal to delete the sentence “and the provisions . . . such documents” was adopted, by 13 votes to 2, with 4 abstentions.

The first sentence of paragraph 1, thus amended, was adopted at the first reading by 17 votes to none, with 3 abstentions.

The second sentence of paragraph 1 was adopted at the first reading by 13 votes to none, with 7 abstentions.

The PRESIDENT announced that, if there were no objections, article 28, paragraph 1, would be considered adopted at the first reading.

It was so decided.

Paragraph 2 was rejected by 13 votes to none, with 7 abstentions.

The PRESIDENT announced that, if there were no objections, the Conference would be considered to have decided to include, or to refer to, article 28, as amended, in the future instrument, subject to whatever amendments might be made to it at the second reading.

It was so decided.

The PRESIDENT proposed that a committee should meet to draw up a recommendation concerning the travel document to be issued to stateless persons.

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Mr. TUNCEL (Turkey) thought it would be useful to have a plenary debate in order to hear the opinions of the various delegations which would facilitate the committee's work.

Mr. DONS (Norway) asked whether the recommendation affect the form of the travel document only, or its form and contents. He had voted against the Yugoslav amendment merely because of its concern about the visa question.

Mr. HERMENT (Belgium) thought that the visa question was quite separate from that of the form of the travel document and was entirely a matter for the authorities

of third countries.

Mr. DONS (Norway) remarked that the schedule to the Geneva Convention contained several paragraphs dealing with visas and that concern for complying with the Convention had prompted him to raise the matter.

Mr. HERMENT (Belgium) thought it was important to know whether the Conference intended to refer to the mere form of the travel document or to deal with its contents also.

The PRESIDENT interpreted the vote deleting the reference to the schedule as meaning that the Conference had refused to include, or to refer to, the provisions of the schedule to the Geneva Convention in the instrument relating to stateless persons. The Conference therefore still had to decide whether it would lay down or recommend to the Signatory States relevant regulations and, if so, what the purport of those regulations would be.

Mr. BROWN (United Kingdom) supported the President's statement and thought that, without a schedule, article 28 would be valueless. It would therefore be advisable to provide for a schedule to article 28 and to make a recommendation setting forth most of the obligations provided for by the Geneva Convention concerning the recognition of travel documents.

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Mr. TUNCEL (Turkey) pointed out that refugees' travel documents were still far from being standardized and would not be so for a long time. Therefore in the case of stateless persons also it would be dangerous to be unduly hasty, and it would be advisable to know the opinions of Governments on the subject, by asking them, for instance, to submit their suggestions to the Secretary-General. It seemed preferable to await the ratification or the enactment of the instrument relating to stateless persons before considering the standardization of travel documents issued to stateless persons, and simply to make it clear that those travel documents must be different from those issued to refugees under the Geneva Convention.

The PRESIDENT emphasized that the Conference had two separate problems before it: the question of the standardization of stateless persons' travel documents, and the form of those travel documents.

Mr. BOZOVIC (Yugoslavia), in reply to a question by the Norwegian representative, stressed that his amendment had referred only to the form of the travel document. It was for the Conference to decide whether it must make provisions similar to or

different from those of the Geneva Convention for the travel documents in question.

Mr. BROWN (United Kingdom) thought that the adoption of the Turkish representative's proposal might have serious consequences for stateless persons. He stressed that, without a schedule, article 28 would hardly be of any use and that, if each Government were free to draw up a different travel document, the time when travel documents would be standardized would be considerably delayed. It might be possible to consider redrafting the provisions of the schedule to the Geneva Convention so that the references to the model document would be in the form of a recommendation.

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The PRESIDENT remarked that the difficulty facing the Conference was partly due to the *Ad Hoc* Committee not having decided the matter. A committee might therefore do the preparatory work, and he proposed that the debate on the form and contents of the travel documents should be adjourned.

Mr. TUNCEL (Turkey) regretted that a larger number of delegations had not indicated whether they considered that the provisions of the Geneva Convention should be repeated. Moreover, article 28 was perfectly justified, although the Conference had decided to delete it, since it laid a very important obligation upon Governments.

Mr. de MIERA-PENNA (Brazil) agreed with the United Kingdom representative that article 28 was very important, but thought that standardization of travel documents was not essential. The Brazilian Government could not, however, undertake to issue Brazilian passports indiscriminately to stateless persons.

The PRESIDENT thought that a drafting committee would have no difficulty in preparing provisions relating to travel documents for stateless persons.

The Conference decided, by 16 votes to none, with 3 abstentions, to appoint a drafting committee composed of the representatives of Belgium, Brazil, Denmark, the Federal Republic of Germany, France, the United Kingdom and Yugoslavia.

Mr. ROBINSON (Israel) asked the Secretariat to draw up a document containing the articles which the Conference had decided, at the first reading, to include, or to refer to, in the future instrument.

The PRESIDENT pointed out that the Secretariat was already preparing the document. It was to be hoped that, before considering the articles at the second

reading, the Conference would decide upon the form it intended to give to the future instrument.

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Mr. ROBINSON (Israel) thought that the final decision in the matter might be reached a later stage.

Mr. BROWN (United Kingdom) pointed out that, failing further instruction from his Government, if a vote was taken, he would have to vote against the preparation of a convention. He proposed, however, that a provisional vote should be taken to sound the Conference's opinion.

Mr. GRANDJEAN (Switzerland) stated that, because of his instructions, he would abstain from voting.

Mr. JOBEZ (France) did not think that his instructions would allow him to support the preparation of an instrument other than a protocol.

Mr. SCHELTEMA (Netherlands) said that he would support the proposal to prepare a separate instrument.

Mr. LOOMES (Australia) thought that the problem might be solved at a later meeting.

Mr. HERMENT (Belgium) hoped that a final decision would be reached as soon as possible.

Mr. BROWN (United Kingdom) withdrew his proposal, fearing that the result of the vote would be of too provisional a nature.

Mr. ROBINSON (Israel) observed that, whatever the form of the instrument prepared, it would still be binding on the parties imposing on them certain obligations. The language used in the full powers might not therefore have the importance which some representatives apparently attached to them.

The PRESIDENT proposed that the next meeting should be held on Monday, 20 September 1954, at 11.30 a.m.

The meeting rose at 6.15 p.m.

Tenth Meeting, 20 September 1954

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/CONF.17/SR.10 6 October 1954

CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

SUMMARY RECORD OF THE TENTH MEETING

Held at Headquarters, New York, on Monday, 20 September 1954, at 3:15 p.m.

Contents

Report of the Credentials Committee

Revision of the draft protocol relating to the status of stateless persons in the light of the provisions of the Convention relating to the Status of Refugees of 28 July 1951 and of the observations made by the Governments concerned (E/CONF.17/3, E/CONF.17/L.10, L.11, L.12 and L.13) (continued)

President: Mr. LARSEN (Denmark)

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REPORT OF THE CREDENTIALS COMMITTEE

The PRESIDENT, speaking as the Chairman of the Credentials Committee established under rule 2 of the Conference's rules of procedure (E/CONF.17/2 and Add.1), reported that the Committee had met and considered the credentials submitted both from the standpoint of authorization to participate in the Conference and that of power to sign the resulting international instrument. With respect to participation, the Committee recommended that the credentials of the plenipotentiaries of the following States, which were signed by the Chief of State, Head of Government or Minister of Foreign Affairs and were *in optima forma* should be accepted: Australia, Belgium, Brazil, Denmark, Ecuador, Federal Republic of Germany, France, Guatemala, Honduras, Israel, Liechtenstein, Monaco, Netherlands, Norway, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, Vatican City and Yugoslavia.

The recommendation was adopted.

The PRESIDENT, continuing in the same capacity, reported that there were credentials the form of *notes verbales* from the Ministers of Foreign Affairs of

Colombia and El Salvador. There were also telegrams from the Ministers of Foreign Affairs of Costa Rica, Cambodia and Yemen. Finally there were letters or *notes verbales* from the Permanent Representatives to the United Nations of Iran and Turkey. As the rules of procedure provided that the credentials should be issued by the Chief of State, Head of Government or Minister of Foreign Affairs, the Credentials Committee recommended that the Conference should defer its decision on the credentials of the representatives of the States he had mentioned and that they be entitled to participate in the Conference on equal footing with other representatives, pending the receipt of their credentials in due form.

The recommendation was adopted.

The PRESIDENT added that Argentina, Egypt, Greece, Indonesia and Japan had appointed observers to the Conference, but the Committee had not deemed it necessary to verify their credentials.

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With respect to the question of power to sign the international instrument, some credentials empowered plenipotentiaries to sign an international instrument relating to the status of stateless persons, while others specified a protocol. The Committee was of the opinion that in specifying a protocol the Governments concerned had not intended to restrict their representatives to a particular form of international instrument but to describe the content of the instrument. Accordingly, the Committee recommended that the full powers of the representatives of the following Governments to sign the international instrument should be accepted and that it should be for each delegation to determine for itself the extent of its powers: Brazil, Denmark, Federal Republic of Germany, France, Guatemala, Netherlands, United Kingdom, Yugoslavia, Belgium, Israel, Norway, Sweden, Vatican City and Liechtenstein.

The recommendation was adopted.

The PRESIDENT said that there were telegrams authorizing the representatives of Cambodia and Costa Rica to sign the international instrument, and similarly a *note verbale* from the Ministry of Foreign Affairs of Colombia. Although those credentials were not formally in good order, the Committee recommended that, as there was no question as to their authenticity, the representatives concerned should be permitted to affix their signatures in the expectation that their Governments would transmit the necessary formal credentials as soon as possible or correct the situation by virtue of their ratification of the instrument.

The recommendation was adopted.

Mr. TRUJILLO (Ecuador) announced that he had received a telegram that morning from his Government authorizing him to sign the instrument. He was therefore in the same position as the representatives of the three States mentioned by the President.

The PRESIDENT said that the Credentials Committee would consider the telegram at the earliest opportunity and in the same spirit as similar telegrams.

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Mr. TUNCEL (Turkey) drew attention to the fact that communications from permanent delegations to the United Nations relating to the representation of their Governments had been submitted on instructions from those Governments. Moreover, embassies and permanent delegations represented *de jure* the Chief of State or Government and such communications were transmitted by virtue of a delegation of powers of the Chief of State, Head of Government or Foreign Minister. In the specialized agencies and in United Nations bodies, including even the General Assembly, such communications were considered to be full accreditation in lieu and pending the arrival of more formal credentials. It seemed to him that the Credentials Committee might have been able to interpret the rules of procedure in the light of those precedents.

Mr. HERMENT (Belgium) disagreed. Even an ambassador accredited to a foreign Government required special full powers in order to sign a convention or treaty. That was the consideration that had guided the Credentials Committee.

The PRESIDENT regretted that he was not an expert in matters of protocol, but felt that the Credentials Committee's recommendations had provided a practical solution.

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS IN THE LIGHT OF THE PROVISIONS OF THE CONVENTION RELATING TO THE STATUS OF REFUGEES OF 28 JULY 1951 AND OF THE OBSERVATIONS MADE BY THE GOVERNMENTS CONCERNED (E/CONF.17/3, E/CONF.17/L.10, L.11, L.12 and L.13) (continued)

E/CONF.17/3, para. 61 (article 32) (continued)

Mr. HOLMBACK (Sweden) explained that the amendment in document E/CONF.17/L.10 should not be considered as a formal amendment, but as a working paper. The phrase "lawfully in their territory" was open to two interpretations: stateless persons who had lawfully entered a country and whose permission to stay

had not lapsed; or those who had entered the country unlawfully and had subsequently obtained permission to stay. In the discussion of article 32 at an earlier meeting there had been a feeling that to enjoy protection against

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arbitrary expulsion a stateless person should have been staying in the country for an extended period. In view of that discussion he had put forward the wording “a stateless person having his habitual residence on its territory,” the assumption being that such a person was lawfully in the country. The wording had the additional advantage of making unnecessary an extensive interpretation of the words “save on grounds of national security or public order.” If the interpretation was to be restrictive, States should have the right to limit the application of the article to stateless persons who were habitual residents. Contrariwise, the Swedish suggestion was unnecessary if “public order” were interpreted in a broad sense.

For example, the Swedish Aliens Act of 1954 provided that an alien who failed to support himself honestly or contumaciously did not fulfil his duties towards the State or private persons could be expelled. If such an expulsion was considered justified on grounds of public order, he had no objection to article 32 as it stood. Otherwise, there would a question whether Sweden could ratify the proposed international instrument without a reservation to article 32.

He drew attention to the volume that had been circulated to members of the Conference by the Jewish Congress and noted the report on page 157 that the *Ad Hoc* Committee had felt that the term “public order” should not embrace such social grounds as indigence, illness or disability, since that would conflict with article 23 of the Convention relating to the Status of Refugees. However, the Swedish Aliens Act dealt with intentional behaviour on the part of aliens and he wondered whether “public order” did not apply to such behaviour. The interpretation that was given to that expression would determine whether the Swedish suggestion should be examined.

Mr. VOIGT (Federal Republic of Germany) thought that the interpretation of the words “public order” would have to be left to each Contracting State. If a more restrictive interpretation was desired, the expression might be changed to “serious grounds of public order.” In his country an expulsion on grounds of public order would be justiciable but there was no international justiciability in the case of stateless persons because they had no State to intervene on their behalf.

After the discussion at an earlier meeting on the possibility of fixing a time-limit, a group of representatives had considered the matter and although no text had been elaborated, the sense of their contribution would be to limit the application of the article to stateless persons who had resided in the country for an uninterrupted period of five years or more. That would seem to have certain advantages over the vague expression "habitual residence."

Mr. HOLMBACK (Sweden) said that he would be willing to consider the German suggestion, but he felt that the minimum period of five years was too long.

Mr. TUNCEL (Turkey) supported the five-year minimum. The article was to grant stateless persons some of the rights of nationals. It was of interest that in Turkey a residence of five years was required for naturalization.

Mr. HERMENT (Belgium) agreed with the German representative that it would be a waste of time to try to define "public order." The effort had failed at many previous international conferences.

He thought that the elimination of "lawful" from the article would be a serious mistake. A habitual resident or a resident for five years could be unlawfully in a country and, in view of the serious limitation of sovereignty specified in the article, the idea of lawful presence in the country should be retained. In his view, the best solution would be to adopt the article as it stood. A person lawfully in a country should not be expelled except on the grounds of national security or public order.

Mr. LIVERAN (Israel) supported that suggestion. The intentions of those representatives who had suggested changes would best be met by leaving the text unchanged. The substitution for lawful residence of the requirement of an extended period of residence would defeat the purpose of that article, which was to protect stateless persons from arbitrary expulsion. If, for example, a period of five years residence were to be required, a stateless person could, generally speaking, in that time acquire either a nationality or at least a status that would enable him to use all legal institutions of the country for his protection. In that case he would hardly be in need of that article.

Moreover, in view of the fact that a Contracting State could invoke reasons of national security or public order, no State would find it difficult to expel a stateless person who was really undesirable. At the same time, the text as it stood assured a

law-abiding stateless person of the protection the article intended to confer.

Mr. BOZOVIC (Yugoslavia) agreed with the Israel representative's interpretation of the object of article 32. He could not accept the criterion of a time-limit for residence.

Mr. BROWN (United Kingdom) said that he could not accept the idea of a time-limit. The discussion had convinced him that there would be no danger in leaving the article as it stood.

Mr. SCHELTEMA (Netherlands) said that his delegation was considering proposing an amendment to article 32 to deal with cases of loss of nationality due to entering the service of a foreign Government. However, he had no difficulty in accepting article 32 as it stood on first reading.

Mr. HOLMBACK (Sweden) withdrew his suggestion (E/CONF.17/L.10) from further consideration.

Mr. HERMENT (Belgium) recalled that at an earlier meeting he had expressed a reservation to the second sentence of paragraph 2. He asked that that sentence should be voted upon separately.

The inclusion of, or reference to, article 32 in the future international instrument relating to the status of stateless persons was approved by the following majorities:

Paragraph 1: 18 votes in favour and 1 against, with 3 abstentions;

First sentence of paragraph 2: 21 votes in favour and none against, with 1 abstention;

Second sentence of paragraph 2: 15 votes in favour and 2 against, with 3 abstentions;

Paragraph 3: 18 votes in favour and none against, with 2 abstentions;

Article 32 as a whole: 16 votes in favour and 1 against, with 4 abstentions.

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E/CONF.17/3, para. 62 (article 33)

The PRESIDENT observed that there was no equivalent of article 33 of the 1951 Convention in the *Ad Hoc* Committee's draft protocol. A formal proposal for the inclusion of or reference to it in the future instrument would be required.

Replying to Mr. HOLMBACK (Sweden), the PRESIDENT said, as representative of Denmark, that, while the provision had been necessary in respect of refugees, the principle applied to all aliens and no special reference to stateless persons was

required. A person might enter a country other than that of his origin as an ordinary alien, but subsequent events in his own or a third country might give rise to a threat to his life or freedom should he enter its territory. He would therefore become a potential refugee as regarded the country of persecution. No country could be so inhumane as to expel a person to such a country.

Speaking as PRESIDENT, he noted that no formal proposal had been made for the inclusion of or reference to the article in the future instrument. In consequence, it would fall.

It was so agreed.

The PRESIDENT suggested that the Belgian representative should introduce his proposals for the inclusion of two new articles (E/CONF.17/L.12 and L.13).

Mr. TUNCEL (Turkey) objected that the Conference had been convened to deal solely with the revision of the draft protocol relating to the status of stateless persons. Delegations had received no instructions with regard to the Belgian proposals, which had not been seen by the Governments concerned. They should not, therefore, be discussed before the outstanding parts of the draft protocol.

The PRESIDENT observed that, for technical reasons connected with the printing of the final act, the substantive articles should be given priority over the final clauses.

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Mr. BROWN (United Kingdom) suggested that the Belgian representative should at least introduce his proposals at that stage, so that representatives could seek instructions on them.

The PRESIDENT agreed with that suggestion.

Mr. HERMENT (Belgium) said that his first proposal (E/CONF.17/L.12) had been based on the idea that a State which granted certain rights to a stateless person would be justified in requiring certain duties from him. Some persons renounced their nationality because they refused to serve their country; if they were made liable to service in their country of residence, they might hesitate to become stateless. On the other hand, the stateless person should not be placed at a disadvantage *vis-à-vis* the nationals of his country of residence.

His second proposal (E/CONF.17/L.13) was intended to complete the protection of stateless persons. Such persons enjoyed certain rights in their country of residence

but had no protection if they went abroad. A dispute might arise with minor administrative officials in a third country about such a matter as *cautio judicatum solvi*; the stateless person would be able to have recourse only to the officials of the country of his residence for redress or protection.

It was decided to defer consideration of the Belgian proposals.

Report of the Drafting Committee on the definition of the term "stateless person"
(E/CONF.17/L.6)

The PRESIDENT said that the Drafting Committee had presented alternatives for the definition of *de facto* stateless persons, as it had had no powers to consider the substance. The Conference might first vote on the *de jure* definition in paragraph 1 of the definition. It would be noted that alternative A was mandatory, alternative B optional and alternative C the broadest possible definition. Thus, if A were adopted, B and C would fall. If B were adopted, that would not necessarily preclude the adoption of C as well.

Mr. BROWN (United Kingdom) observed that the difficulty about voting on the alternatives was that the adoption of A might preclude several delegations from signing the instrument. His own delegation, like several others,

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might be able to accept any of the alternatives, but the aim was to obtain the greatest possible of signatures, and he wished to vote for the alternative most likely to be generally acceptable. A vote in favour of one of the alternatives did not necessarily mean that the delegation casting it was opposed to the others.

Mr. HERMENT (Belgium) suggested that any delegation which objected to the variant adopted might enter a reservation to it.

Mr. TUNCEL (Turkey) said that he was by no means convinced that a definition should be included, at any rate in a separate article. There had been very little discussion in the plenary meetings about the desirability of including a definition and consequently the Conference could not be certain of obtaining a definition acceptable not only to a majority of the delegations attending but also to States which might subsequently accede to the instrument. The *Ad Hoc* Committee had not prepared a definition, admittedly for lack of time. The International Law Commission, which had studied the subject for some years and had prepared two instruments, had not worked out a definition. Only two of the seventeen Governments which had sent in comments on the draft protocol had advocated a definition: Norway had stated that it was in favour of one, but had not suggested a text; France had preferred to place the definition in a preamble. Most delegations attending the Conference had received no instructions about the definition, and

would probably have to abstain from voting on it at the second reading. But there were obvious disadvantages to an instrument adopted with a large number of abstentions or accompanied by many reservations. If the Conference after all decided that a definition should be included, the best place for it would be in the preamble.

Mr. BROWN (United Kingdom) said that he was surprised that the Turkish representative had reopened a matter which had been fairly fully discussed. He had gained the impression from the general debate that most delegations were in favour of including a definition. It was true that most of the Governments' comments had not referred to a definition, but that had been simply because the *Ad Hoc* Committee had not prepared one. He believed that most delegations had agreed with the Belgian representative's contention that States must know

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to whom they were according benefits before they agreed what benefits they would accord. Agreement had in fact been reached in the Drafting Committee on at least the *de jure* definition.

Mr. DONS (Norway) said that it was true that his delegation favoured the inclusion of a definition, but its formulation had raised serious difficulties. The alternatives made it hard for him to vote and sign without receiving fresh instructions. The *de facto* definition was not of vital importance to the instrument as a whole. He agreed with the Turkish representative that the Belgian representative's suggestion that reservations might be made to the *de facto* definition was a dangerous one. He was therefore against paragraph 2 of the definition.

Mr. LOOMES (Australia) said that he would have to vote against the definition as a whole for the reasons which he had stated at an earlier stage.

Mr. BOZOVIC (Yugoslavia) said that he was prepared to accept the definition of *de jure* stateless persons in paragraph 1, but not that of the *de facto*. If persons became stateless for political reasons, they should be treated as refugees; if they renounced their nationality for personal convenience, they were not entitled to special protection. The idea of recognizing as a stateless person a person who invoked reasons recognized as valid by the State in which he was a resident could not be accepted. The criteria for validity would vary greatly from State to State, and the State of origin would have no say in the matter. The idea might be incorporated in the final act as a *voeu*; if embodied in the instrument it would open the way to widespread abuse. His instructions in that connexion were strict, and he would not be able to sign the instrument if such a definition was embodied in it.

Mr. HERMENT (Belgium) supported variant A, since it would ensure that *bona fide* refugees in countries which had not signed the 1951 Convention would not receive less protection than stateless persons in countries which signed the instrument under discussion.

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Mr. AYCINENA (Guatemala) said that although his delegation would have no difficulty in accepting any one of the texts, it noted that while alternative A was mandatory and alternative B optional, alternative C was the most broadly worded and conciliatory and his delegation thought that it might prevent other countries from making subsequent reservations or abstaining on so vital a matter as the definition.

Mr. BROWN (United Kingdom) thought that the discussion had clearly shown that some countries did not wish to be obliged to accord to *de facto* stateless persons the benefits implied in alternative A. Although reservations could be made, it would be unwise to make them, as there was a difference between making reservations to individual articles and to the principle of definition which would determine to what class of persons the articles would be applicable. It would therefore be unwise to adopt alternative A. Alternative B might imply an undesirable distinction between countries which made a declaration and those which did not, and his delegation would therefore vote against it. It would, however, accept C, as it would enable countries which wanted to do so to extend such benefits without any obligation.

Mr. GRANDJEAN (Switzerland) said he had no precise instructions with regard to alternative A, but thought that his Government could accept it. Since a majority of delegations appeared, however, to be in favour of alternative C, he was prepared to accept that.

Mr. SCHELTEMA (Netherlands), Mr. de BARROS-GOMES (Brazil), and Mr. PASTRANA (Colombia) said that they were prepared to accept alternative C.

Mr. LIVERAN (Israel) was opposed to a restrictive definition and thought that A was the best alternative. The aim of the Conference should be to extend as many benefits as possible to as many stateless persons as possible. Alternative A was the only one which ensured that *de facto* stateless persons who needed international protection would be recognized as entitled to it and assured of receiving it.

Mr. HERMENT (Belgium), referring to the point raised by the representative of the United Kingdom, pointed out that such reservations were not unusual. In any case, the alterations made to some of the articles of the 1951 Convention were the result of reservations. He agreed with the representative of Israel about alternative A. Alternative C merely stated in a vague and uncertain way what was clearly stated in alternative A.

Mr. HOLMBACK (Sweden) was doubtful as to the juridical meaning and value of alternative C. It was self-evident and therefore superfluous.

The PRESIDENT explained that some of the substantive articles, such as 14 and 16(3), had an extra-territorial effect. If C were adopted, a country which was a signatory of the final instrument would have to recognize the validity of a travel document issued by other signatories to a *de facto* stateless person who had a valid reason for preferring a stateless passport.

Mr. DONS (Norway) agreed to some extent with the representative of Sweden that there was no valid reason for adopting alternative C. In any case all the alternatives were equally difficult for his delegation to accept since they gave States the right to accept a one-sided renunciation of nationality. It was therefore opposed to paragraph 2 as a whole. He also felt that the inclusion of paragraph 1 was unnecessary, but it might be useful to have it on paper.

Mr. HERMENT (Belgium) pointed out that the main point was not renunciation of nationality but protection. In that connexion he wished to emphasize that the purpose of the final definition to be adopted was not to establish a legal definition of the term "stateless person" but merely to decide which persons would be regarded as stateless persons within the meaning of the Convention.

Mr. BOZOVIC (Yugoslavia) feared that any decision by a State to recognize a renunciation of nationality would bind all other Contracting States.

Mr. HERMENT (Belgium) said that there was nothing unusual in that practice, which had been in existence for a good many years and had never done any harm.

In reply to a question from Mr. SCHELTEMA (Netherlands), the PRESIDENT explained that in paragraph 1 of the definition the word "operation" had been used to cover the cases both of persons who lost their nationality automatically as a result of the application of a law and of those who lost it through the application of

a rule.

Mr. TUNCEL (Turkey) suggested that the Conference should vote on whether the definition of *de jure* statelessness should be embodied in a preamble or in an article in the operative part of the instrument.

The PRESIDENT proposed that the Conference should first of all decide whether to include a definition of *de jure* statelessness, then on whether such a definition was to be embodied in a preamble or in a separate article in the operative part of the instrument and finally take a decision on the text of the definition. With regard to *de facto* statelessness he thought it better to vote on alternatives A, B and C, one by one, in that order.

Mr. LOOMES (Australia) said it would be difficult for his delegation to vote on whether to have a definition at all unless it knew what the definition was.

It was decided by 18 votes to none, with 3 abstentions, to include a definition of a *de jure* stateless person.

It was decided by 18 votes to 1, with 2 abstentions that the definition of a *de jure* stateless person should be embodied in a separate article in the operative part of the instrument.

Paragraph 1 of the definition was approved by 19 votes to none, with 3 abstentions.

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Alternative A was rejected by 14 votes to 2, with 5 abstentions.

Alternative B was rejected by 17 votes to none, with 5 abstentions.

Alternative C was approved by 14 votes to 4, with 4 abstentions.

After a short preliminary discussion of paragraph 3 of the Report of the Drafting Committee the PRESIDENT proposed that the discussion should be adjourned until the next meeting.

It was so decided.

The meeting rose at 6.35 p.m.

Eleventh Meeting, 21 September 1954

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/SR.11 1 October 1954

CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

SUMMARY RECORD OF THE ELEVENTH MEETING

Held at Headquarters, New York, on Tuesday, 21 September 1954, at 10.25 a.m.

Contents

Revision of the draft protocol relating to the status of stateless persons in the light of the provisions of the Convention relating to the Status of Refugees of 28 July 1951 and of the observations made by the Governments concerned: consideration of the substantive provisions to be applied to stateless persons (E/CONF.2/108/Rev.1, E/CONF.17/3) (continued)

Report of the Drafting Committee on the definition of “stateless persons” (E/CONF.17/L.6) (continued)

Consideration of the Belgian proposals (E/CONF.17/L.12 and 13)

Report of the *Ad Hoc* Committee on the Question of the Travel Document for Stateless Persons (E/CONF.17/L.15 and L.18)

President: Mr. LARSEN Denmark

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REVISION OF DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS IN THE LIGHT OF PROVISIONS OF THE CONVENTION RELATING TO THE STATUS OF REFUGEES OF 28 JULY 1951 AND OF THE OBSERVATIONS MADE BY THE GOVERNMENTS CONCERNED: CONSIDERATION OF THE SUBSTANTIVE PROVISIONS TO BE APPLIED TO STATELESS PERSONS (E/CONF.2/108/Rev.1, E/CONF.17/3) (continued)

REPORT OF THE DRAFTING COMMITTEE ON THE DEFINITION OF “STATELESS PERSONS” (E/CONF.17/L.6) (continued)

The PRESIDENT asked the Conference to continue its consideration of paragraph 3 of the text proposed by the Drafting Committee on the definition of “stateless persons” beginning with the question whether article 1, section D, of the Geneva Convention should be included or referred to.

Mr. JOBEZ (France) felt that it should be made clear that stateless refugees who already benefited by the provisions of the Geneva Convention would not be protected by the new instrument.

Mr. BROWN (United Kingdom) thought that, as the Conference had adopted a definition of statelessness which also included *de facto* stateless persons, it should be made clear, in order to avoid duplication, that the new instrument did not apply to persons benefiting under the Geneva Convention. His delegation intended to submit a text which the Conference could discuss on second reading.

The PRESIDENT proposed that the discussion of section D should be deferred.

It was so decided.

The PRESIDENT asked the Conference to consider whether article 1, section E, of the Geneva Convention should be included or referred to.

Mr. JOBEZ (France) felt that such a provision was necessary in order to cover the case of dual nationality.

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Mr. VOIGT (Federal Republic of Germany), supported by Mr. HERMENT (Belgium), recalled that section E had been intended solely to cover the case of Germans from abroad who were refugees in Germany. Mr. Voigt added that that category would probably disappear within two years.

The inclusion of, or reference to, article 1, section E, in the future instrument was approved by 11 votes to none, with 3 abstentions.

The PRESIDENT asked the Conference to consider the advisability of including, or referring to, article 1, section F, in the future instrument.

The inclusion of, or reference to, article 1, section F, in the future instrument was approved by 12 votes to none, with 2 abstentions, subject to any changes which might be made on second reading.

CONSIDERATION OF THE BELGIAN PROPOSALS (E/CONF.17/L.12 and 13)

The PRESIDENT recalled that the Belgian representative had explained at the tenth meeting why he had proposed the inclusion of a new article on military service (E/CONF.17/L.12).

Mr. TUNCEL (Turkey) asked whether, if there were no such article, States would not be entitled to subject stateless persons to the obligations of military service.

Mr. HERMENT (Belgium) replied that that was so, but that it was useful to make the point clear in the new instrument so that persons who left a country in order to avoid their military obligations would know that they might render themselves subject to new military obligations in the country to which they proceeded. The second paragraph was a rider covering the case of a stateless person who had already discharged his military obligations in the territory of another State.

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The PRESIDENT, speaking as representative of Denmark, recalled that the *Ad Hoc* Committee had discussed the matter and that a proposal on the matter had been rejected because the Committee had not considered itself competent to settle a question disputed in international law. Some countries subjected only their nationals to military obligations. That would be the case in Denmark from 1 January 1955. By adopting the Belgian proposal, the Conference might be assuming a position on a matter which was not within its jurisdiction. He realized that the Belgian delegation's intentions in drafting the second paragraph of its proposal were praiseworthy, but feared that the text might raise technical difficulties. Some countries, like Denmark, also imposed a period of non-military duty which involved obligations sometimes as onerous as military obligations. Military obligations were an imposition not only on the individual discharging them but also on the Treasury of the State which prescribed them. That aspect of the matter would make some States hesitate to subject persons already trained, and who would perhaps not be called upon to remain on their territory, to the obligations of military service. The Danish delegation would therefore be unable to vote for the Belgian proposal.

Mr. HERMENT (Belgium) stated that he had not overlooked the difficulties to which the President had referred but that his Government regarded it as a matter of principle. The discussion on the question whether a country could or could not subject persons other than its nationals to the obligations of military service was purely academic, since the legislation of many countries already included relevant provisions. The inclusion of the words "shall see to it, however, that . . . should not . . ." in the second paragraph of the Belgian proposal left it to the State in which the stateless person was lawfully staying to decide whether the service done in a foreign country allowed it to exempt him or not from the obligations of military service in its territory.

Mr. BROWN (United Kingdom) and Mr. BOZOVIC (Yugoslavia) said that they could neither discuss nor vote on the Belgian proposal.

Mr. AYCINENA (Guatemala) said that his delegation would abstain on the Belgian proposal, as the problem did not arise in Guatemala.

The PRESIDENT, speaking as representative of Denmark, suggested that the Belgian proposal should be replaced by a form of words similar to article 24, paragraph 3. He proposed that the Conference should await the second reading before taking a decision on the Belgian proposal or discussing his own suggestion.

It was so decided.

The PRESIDENT requested the Conference to consider the Belgian proposal on the protection of both the property and the person of stateless persons (E/CONF.17/L.13).

Mr. LOOMES (Australia) inquired whether the proposal was consistent with the provisions of article 5.

Mr. HERMENT (Belgium) thought that article 5 had no reference to the right to protection but that paragraph 16 of the proposals of the *Ad Hoc* Committee on the Question of the Travel Document for Stateless Persons (E/CONF.17/L.15) bore some relation to it. He explained that the Belgian proposal was designed to grant the protection of the country of residence to a stateless person even when he was travelling abroad.

Mr. DONS (Norway) thought that the definition of statelessness adopted by the Conference covered *de facto* stateless persons and the Belgian proposal ran the risk of causing conflict between the State of residence and other States, whether or not they were signatories to the instrument relating to stateless persons.

Mr. BOZOVIC (Yugoslavia) agreed with the idea underlying the Belgian proposal, but feared that its wording might be in contradiction with paragraph 16 of the proposals of the *Ad Hoc* Committee on the Question of the Travel Document

for Stateless Persons; if the sole purpose of the Belgian proposal was to enable the State of residence to ensure the protection of the stateless person, his delegation would be able to support the proposal.

Mr. HERMENT (Belgium) pointed out that reliance must be placed in the State of residence, which would be free to decide whether or not to grant its protection to stateless persons resident in its territory in the same way as it decided to grant such protection to refugees resident in its territory or even to persons who were not refugees. He also pointed out that under the Belgian proposal, the State was under no obligation to ensure the protection of stateless persons abroad. His delegation would submit an amendment to paragraph 16 of the *Ad Hoc* Committee's proposals.

Mr. DONS (Norway) pointed out that the definition of the term "refugee" in article 1 of the Convention was much wider than that followed by the Conference for the term "stateless person." He therefore feared that serious difficulties might arise in connexion with the protection of *de facto* stateless persons, as there was a danger that the state of residence and a third state might not have the same opinion on the reason why a *de facto* stateless person had left his country of origin.

Mr. TUNCEL (Turkey) supported the Belgian proposal because he thought it necessary to ensure some degree of protection for their property and persons to stateless persons abroad. Under the Belgian proposal, it would be for the state of residence to decide whether it would grant that protection; there was no question of obligation and the stateless person could not demand it. He doubted whether the *Ad Hoc* Committee on the Question of the Travel Document for Stateless Persons had been wise in reproducing the provisions of paragraph 16 of the Schedule to the Geneva Convention. Refugees were, in fact, assured of international protection by the United Nations High Commissioner for Refugees and any other diplomatic protection would be a duplication, but the situation as regards stateless persons was different.

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The PRESIDENT, speaking as representative of Denmark, feared that a provision such as that proposed by the Belgian delegation might be interpreted *a contrario* as having the meaning that no State other than that in the territory of which a stateless person was resident or domiciled might take action to protect the property and the person of the said stateless person. The danger of such an interpretation was clearly apparent in the case of stateless persons who, while resident in one country, had ties, whether *de facto* or *de jure*, with another country. For example, a woman married to an alien, who had lost her nationality under the legislation of her country without acquiring that of her husband and was resident with her husband in a third country, might be deprived of the protection of the diplomatic and consular authorities of her husband's country. Furthermore, in the case of an illegitimate child born abroad which had not acquired its mother's nationality, would the diplomatic and consular authorities of the mother's country be prohibited from granting protection to the child? Finally, a person might lose his nationality

for various reasons which would not necessarily lead to a final break with the country whose nationality he had originally possessed; that loss of nationality might be only temporary. In all cases of that kind, which were still fairly frequent, it was obvious that an interpretation *a contrario* of the provision proposed by Belgium could only have consequences harmful to stateless persons.

Mr. HERMENT (Belgium) pointed out that it would be impossible to imagine a State prohibiting the diplomatic and consular agents of the country of residence of a stateless person from taking action on behalf of that person; on the other hand, a State often forbade its own agents abroad to take action on behalf of persons other than its own nationals. The purpose of the Belgian proposal was to prevent the application to the case of a stateless person of a doctrine and a jurisprudence which had become fairly strongly established and made diplomatic protection dependent upon the possession of nationality.

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Mr. JOBEZ (France) said that he was not able to adopt any position on the Belgian proposal as he had no instructions from his Government on the subject.

He wished, however, to explain that he was rather concerned as to the juridical consequences of the proposal. France had concluded conventions with several countries covering precisely the situation to which the Belgian representative had just referred and very strictly limiting the rights and duties of the consular authorities. The French Government would therefore be concerned as to how far it might accept a decision of the Conference amending the bilateral agreements without reference to the Governments with which they had been concluded. Generally speaking, the Belgian proposal raised questions of principle for all countries bound by bilateral consular conventions, in so far as it slightly amended the rules of international law upon which the conventions were based.

Mr. HERMENT (Belgium) pointed out that bilateral conventions such as those to which the representative of France had just referred had been concluded with the countries from which many of the refugees came, and that had not prevented the States concerned from applying the provisions of the Convention relating to the Status of Refugees. He therefore saw no reason why legal difficulties which had not arisen in the case of refugees should be foreseen in the case of stateless persons.

The PRESIDENT put the Belgian proposal to the vote.

The Belgian proposal (E/CONF.17/L.13) was rejected by 5 votes to 4, with 4 abstentions.

REPORT OF THE *AD HOC* QUESTION OF THE TRAVEL DOCUMENT FOR STATELESS PERSONS (E/CONF.17/L.15 and 18)

The PRESIDENT announced that the Conference had before it an amendment by the United Kingdom to paragraph 13 (E/CONF.17/L.18); it would be discussed when paragraph 13 was considered.

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Paragraph 1

Paragraph 1 was adopted by 15 votes to none, with 1 abstention.

Paragraph 2

Paragraph 2 was adopted by 15 votes to none, with 1 abstention.

Paragraph 3

Paragraph 3 was adopted by 14 votes to none, with 2 abstentions.

Paragraph 4

Paragraph 4 was adopted by 15 votes to none, with 1 abstention.

Paragraph 5

In reply to a question from Mr. LIVERAN (Israel), Mr. JOBEZ (France), Rapporteur of the Committee, explained that the Committee had decided to omit paragraph 5 of the Convention relating to the Status of Refugees because it had thought that, so far as stateless persons were concerned, it was difficult to lay down any rules for the validity of the travel document.

Mr. LIVERAN (Israel) pointed out that the legislation of certain countries, such as the United States, made it impossible to grant a visa to a person whose passport was not valid for a given period. Accordingly, if stateless persons were not to be refused admission into certain countries, it would be advisable to suggest a minimum validity for their travel document.

Mr. HERMENT (Belgium) explained, in reply to the reasonable point raised by the Israel representative, that in cases where a stateless person wished to make a short journey abroad, for perhaps three months, it did not

appear justifiable to force him to obtain a travel document valid for one or two years, which might cost more. That was one of the reasons why the Committee had decided to omit paragraph 5.

Mr. LOOMES (Australia) wondered whether the question raised by the Israel representative would be likely to reopen the debate on article 28 and if necessary cause the Conference to go back on its own decision. Recalling the circumstances under which the Conference had decided not to include in article 28 the words “the provisions of the Schedule to this Convention shall apply with respect to such documents,” he pointed out that some provisions of schedule I, particularly paragraph 1(3), were drafted in the form of recommendations, while others appeared to be a statement of obligations. It was obvious that the attitude of delegations might vary according as to whether obligations or recommendations were involved, and the Australian delegation thought that that preliminary question should be settled before the Conference took a decision on the various paragraphs in schedule I, particularly paragraph 5.

Mr. BOZOVIC (Yugoslavia) said that his intention in proposing the deletion of the phrase in question in article 28 had been to leave the Conference free to deal as it chose with the Schedule on the understanding that the matter would be left open and would be discussed later.

Mr. BROWN (United Kingdom) said that the idea of not making the provisions of the Schedule mandatory had certainly not been the intention of the Conference when it had adopted the Yugoslav amendment. While Contracting States would not be compelled to adopt the specimen travel document reproduced in the Annex—which was why, as the Australian representative had noted, paragraph 1, subparagraph 3, had been drafted in the form of a recommendation—the Schedule, on the other hand, must without question be an integral part of the new instrument; he therefore formally proposed that the Conference should reconsider its previous provisional decision and reinsert in article 28 the phrase it had deleted.

The PRESIDENT drew attention to rule 20 of the rules of procedure. As there seemed to be no objection to the Conference reconsidering its earlier decision, he called for a vote on the United Kingdom proposal.

The Conference decided, by 11 votes to none, with 3 abstentions, to re-insert in article 28 the words “and the provisions for the Schedule to this Convention shall apply with respect to such documents.”

The PRESIDENT invited the Conference to revert to the Israel representative's proposal to include in the new instrument paragraph 5 of the Schedule of the Convention relating to the Status of Refugees.

Mr. LIVERAN (Israel), in reply to the Belgian representative's remark that the purpose of the omission of paragraph 5 had been to protect the financial interests of stateless persons, said that that argument was refuted, at least in part, by the provisions of paragraph 3. Moreover, in view of the decision the Conference had just taken with regard to article 28, if paragraph 5 was left out and the United Kingdom amendment to introduce sub-paragraph 3 in paragraph 13 was adopted, Governments might conclude that the only minimum time-limit to the validity of travel documents laid down in the Convention was that mentioned in paragraph 13, sub-paragraph 3, or three months; but such a time-limit was entirely inadequate.

The PRESIDENT, speaking as the representative of Denmark, wondered whether it might not be possible to meet the Israel representative's point without restoring paragraph 5, simply by adding to paragraph 4 the words "and for the longest possible term."

Mr. BROWN (United Kingdom) agreed with the Israel representative that it was important to specify a minimum term of validity. Before the President had spoken, he had himself intended to suggest the addition to paragraph 4 of a phrase laying down that the travel document should be valid for the period of time required for the stateless person's journey.

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Mr. LIVERAN (Israel) said that he would be satisfied with either suggestion; if necessary, they might even be merged in order to retain both ideas. It might perhaps be advisable to leave the final drafting of the phrase until the second reading.

Mr. HERMENT (Belgium) had no objection to paragraph 4 being amended along those lines, although in his view a travel document valid "for the largest possible number of countries," as stated in the present text of paragraph 4, should ordinarily enable the holder to travel in countries which required a passport valid for one year or longer.

In any event, he was still opposed to the insertion of paragraph 5, in view of the protest that the provision that had aroused on the part of refugees, since it compelled them to pay the fee for a travel document valid for a year or two whereas in most cases a period of three months would be ample for their purposes.

Mr. BROWN (United Kingdom) felt, having given the matter some thought and having taken into account the Belgian representative's remarks, that his own suggestion was preferable to the President's; the words "for the longest possible term" were too vague and could be interpreted too broadly.

The PRESIDENT said that the words "for the largest possible number of countries" in paragraph 4 could obviously not be taken to mean that the travel document should be valid for countries the person concerned did not intend to visit. There was no question of giving the stateless person a travel document valid for a large number of countries, and therefore very costly, unless he so desired. The same interpretation applied to the phrase "for the longest possible term." In that connexion, since article 28 provided for exceptions for compelling reasons of national security or public order, it was difficult to see why Governments should object to furnishing stateless persons with travel documents valid for the countries and the length of time specified by the applicants.

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Mr. DONS (Norway) thought that the United Kingdom representative's suggestion raised some difficulties for countries which generally issued passports valid only for a specified period of time, with the possibility of extension. It would be preferable not to compel those countries to apply different rules to stateless persons; the Conference would therefore be better advised to accept the President's suggestion, possibly adding a phrase, to meet the wishes of the Belgian representative, to the effect that the minimum term would be at least one year if the applicant so desired.

Mr. de BARROS (Brazil) remarked that in deleting paragraph 5 the Committee had in fact had in mind the countries to which the Norwegian representative had referred. It was for that reason that the Committee had thought it best to allow those countries to follow the practice they applied to their own nationals.

Mr. JOBEZ (France) agreed that the point had been discussed by the Committee. However, the United Kingdom representative's suggestion took into account the administrative practice of most countries, and the French delegation would be quite prepared to accept it.

Mr. HERMENT (Belgium) saw no need for the phrase suggested by the United Kingdom representative: either the authorities would refuse to issue a passport or they would comply with the applicant's request, and it was self-evident that the travel document issued would have to be valid for the duration of the proposed journey.

The PRESIDENT said that he had not made a formal proposal, but had merely offered a suggestion in order to facilitate the Conference's work. In any event, he proposed that the decision on the matter should be deferred and that the Conference should pass on to paragraph 6.

It was so decided.

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Paragraph 6

Mr. LOOMES (Australia) noted that under the terms of paragraph 6, sub-paragraph 2, diplomatic or consular authorities might be authorized to extend the validity of travel documents. The corresponding sub-paragraph in the Geneva Convention had laid down that diplomatic or consular authorities would be empowered to extend the validity of travel documents. What had been an obligation imposed on States had become a mere permissive clause, and the sub-paragraph was unnecessary, since Governments obviously had the right to authorize their representatives abroad to extend the validity of travel documents they had issued.

Mr. JOBEZ (France) said that question had already been raised in the *Ad Hoc* Committee, which had not been sure whether sub-paragraph 1 applied both to the central authorities of the country issuing the travel documents and to its representatives abroad. The Committee had thought it wiser to clarify the point by inserting sub-paragraph 2. The reason why it had decided against imposing on Contracting States the obligation laid down in the Geneva Convention was to avoid possible objections.

Mr. BROWN (United Kingdom) observed that he had urged the *Ad Hoc* Committee to retain the sub-paragraph. It was a matter not only of giving authorization to diplomatic or consular representatives, but also of ensuring that that authorization was recognized by the country in which the holder of the travel authorization happened to be. Moreover, sub-paragraph 2 should be read in conjunction with the provisions of paragraph 16. Without the sub-paragraph, it might be thought that paragraph 16 denied diplomatic or consular authorities the right to take any action on behalf of stateless persons.

Mr. HERMENT (Belgium) said that sub-paragraph 1 enunciated a principle: that such a passport could be issued only by the central authorities of the country of residence of the person concerned. Sub-paragraph 2 constituted an exception granting certain powers to diplomatic or consular representatives;

however, the six-months period specified in the sub-paragraph set a limit to their powers. The intention of the authors of the provision had been to avoid the possibility of a stateless person remaining too long in a foreign country—which might happen if the foreign representatives of his country of residence could extend his passport indefinitely.

Mr. LOOMES (Australia) did not think that the extension of the validity of a travel document by diplomatic or consular representatives gave the holder greater rights than he would have if the validity of the document were extended by the Government itself. While he appreciated the point raised by the Belgian representative, he thought that it would be possible to achieve the result desired without the insertion of a special provision in the Schedule.

Mr. AYCINENA (Guatemala) felt that the Conference should not deal with paragraph 6 until it had decided on paragraph 5. Whether sub-paragraph 2 should be deleted or maintained would depend on the action taken with regard to paragraph 5. He therefore proposed that discussion on paragraph 6 should be suspended.

It was so decided.

Paragraph 7

Mr. BOZOVIC (Yugoslavia) said that in view of the definition the Conference had adopted at first reading he would vote against the inclusion of paragraph 7. However, if the definition was changed on second reading, he might perhaps be able to vote in favour of the paragraph.

Paragraph 7 was approved by 11 votes to one, with 4 abstentions.

Paragraph 8

Paragraph 8 was approved by 16 votes to none, with one abstention.

Paragraph 9

Paragraph 9 was approved by 16 votes to none, with one abstention.

Paragraph 10

Paragraph 10 was approved by 14 votes to none, with 3 abstentions.

Paragraph 11

Paragraph 11 was approved by 16 votes to none, with one abstention.

Paragraph 12

Paragraph 12 was approved by 16 votes to none, with one abstention.

Paragraph 13

Introducing his amendment (E/CONF.17/L.18), Mr. BROWN (United Kingdom) stressed that he would have preferred the *Ad Hoc* Committee to retain the text of paragraph 13 as contained in the Schedule to the Geneva Convention. The Committee had recognized that in normal circumstances mention of the right to readmission was an essential element in every travel document, since very few countries would grant a stateless person a visa or permission to enter their territory if he did not hold a travel document mentioning his right to readmission. However, the *Ad Hoc* Committee had set no specific time-limit. It had taken that decision for purely administrative reasons, because some countries issued travel documents allowing the holder to another country without mentioning the right to readmission.

Accordingly, the only time-limit specified in sub-paragraph 1 of paragraph 13 was that of the validity of the travel document and that time-limit was not compulsory. The result was that Contracting States would in practice be able to evade their obligations under article 28 and paragraph 13. If the documents they issued did not specify a minimum period within which the holder would be entitled to return, some officials might take advantage of their powers to make matters difficult for the stateless person and claim that he had no right to a document permitting re-entry within a certain period. The United Kingdom

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delegation therefore proposed, in the first part of its amendment, that there should be a period of not less than three months during which the holder of the travel document would be guaranteed the right to return to his country of residence, i.e. to travel. The second part of the amendment made an exception in the case of travel countries which did not insist on the travel document including the right to readmission. The United Kingdom amendment thus secured to stateless persons the essential rights without which travel documents were worthless.

Mr. LOOMES (Australia) asked whether the word “guarantee” in paragraph 1 was used in a legal sense. He suggested that in the English text the word “permit” should be used.

Mr. BROWN (United Kingdom) agreed, and wondered whether it might not be advisable to replace the words “unless it is specifically stated to the contrary” by the

word “normally.” The date until which the holder of the travel document was authorized to return was indicated in paragraph 2 of the specimen travel document. Hence, the word “normally” seemed appropriate.

Mr. HERMENT (Belgium) felt that the word was too vague.

Mr. BROWN (United Kingdom) withdrew his suggestion.

Mr. JOBEZ (France) wondered whether the Australian representative’s amendment might not be rendered in the French text by “*permettra*” or “*donnera le droit*.” If so, it might perhaps be better to use the word “entitle” in the English text.

Mr. LOOMES (Australia) and the PRESIDENT felt that the question had best be left to the Drafting Committee.

Paragraph 13, sub-paragraph 1, was approved by 14 votes to none, with 2 abstentions.

The United Kingdom amendment (E/CONF.17/L.19) was adopted by 15 votes to none, with 2 abstentions.

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Paragraph 13, sub-paragraph 2, was approved by 15 votes to none, with 2 abstentions.

Paragraph 13 as whole as amended was approved by 15 votes to none, with 2 abstentions.

Paragraph 16

Mr. HERMENT (Belgium) proposed that the words “and does not confer on these authorities a right of protection” should be deleted.

Mr. BROWN (United Kingdom) thought that it would be better to adhere as closely as possible to the Geneva text. Besides, the paragraph was entirely negative; it neither conferred nor revoked any rights.

Mr. HERMENT (Belgium) suggested that in order to avoid any confusion, the words “*ipso facto*” should be inserted after the words “and does not confer”. He asked that his first amendment should be put to the vote. If it was rejected, the Conference could then vote on his second amendment.

The first Belgian amendment was rejected by 8 votes to 3, with 5 abstentions.

The second Belgian amendment was adopted by 10 votes to one, with 5 abstentions.

Paragraph 16 as amended was approved by 14 votes to none, with 3 abstentions.

Annex

The PRESIDENT put to the vote the first paragraph of the Annex (specimen travel document), noting that in the English text the word “specimen” should be changed to “model.”

The first paragraph of the Annex was approved by 13 votes to none, with 4 abstentions.

Mr. HERMENT (Belgium) wondered whether it would not be desirable to have the name or the country issuing the travel document stated on the cover of the booklet.

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The PRESIDENT thought that it would be better to leave the question open, as in the case of the travel documents issued under the Geneva Convention.

Mr. BROWN (United Kingdom) noted that the *Ad Hoc* Committee had not included in paragraph 2 of the first page the sentence “the period during which the holder is authorized to return shall not be less than three months.” In view of fact that the United Kingdom amendment to paragraph 13 had been adopted, the sentence should be reinserted in paragraph 2.

The PRESIDENT said that if there was no objection, pages 1 to 32 of the travel document as given in the Annex would be considered as approved in first reading.

It was so decided.

The meeting rose at 1.15 p.m.

Twelfth Meeting, 21 September 1954

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/CONF.17/SR.12 12 October 1954

CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

SUMMARY RECORD OF THE TWELFTH MEETING

Held at Headquarters, New York, on Tuesday, 21 September 1954, at 3:10 p.m.

Contents

Amendment of the rules of procedure (E/CONF.17/2)

Revision of the draft protocol relating to the status of stateless persons in the light of the provisions of the Convention relating to the Status of Refugees of 28 July 1951 and of the observations made by the Governments concerned (A/CONF.2/108/Rev.1, E/CONF.17/3, E/CONF.17/L.12, 14-17) (continued)

President: Mr. LARSEN (Denmark)

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AMENDMENT OF THE RULES OF PROCEDURE (E/CONF.17/2)

The PRESIDENT proposed that under rule 42 of the rules of procedure as adopted by the Conference (former rule 43) rule 7 (former rule 8) should be amended to read “a quorum shall be constituted by the representatives of seven States attending the Conference” in order to expedite the work. Such a quorum would at least include the States most interested in preparing the instrument.

Mr. ROBINSON (Israel), Mr. BOZOVIC (Yugoslavia), Mr. HERMENT (Belgium), Mr. LOOMES (Australia) and Mr. SCHELTEMA (Netherlands) supported the proposal.

Mr. BROWN (United Kingdom) proposed the word “nine” should be substituted for “seven,” nine being one-third of the total attendance at the Conference.

The PRESIDENT accepted the amendment and observed that the Conference could always amend the decision again if it so wished.

The proposal as amended was adopted by 15 votes.

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS IN THE LIGHT OF PROVISIONS OF THE CONVENTION RELATING TO THE STATUS OF REFUGEES OF 28 JULY 1951 AND OF THE OBSERVATIONS MADE BY THE GOVERNMENTS CONCERNED (A/CONF.2/108/Rev.1, E/CONF.17/3, E/CONF.17/L.12, 14-17 (continued))

Report of the *Ad Hoc* Committee on the Question of the Travel Document for Stateless Persons (A/CONF.2/108/Rev.1, E/CONF.17/L.15) (continued)

Paragraph 5 of schedule

The PRESIDENT said that the Conference had to decide whether to include a paragraph similar to that in the 1951 Convention (A/CONF.2/108/Rev.1). The United Kingdom delegation had submitted a draft as follows:

“The document shall normally be valid for one or two years or at least for a period of time sufficient for the purposes of the stateless person intending to travel.”

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Mr. LOOMES (Australia) asked whether the wording meant either one or two years; if a minimum validity was to be set, an alternative could not be acceptable.

Mr. HERMENT (Belgium) said that it was obvious that a State could not issue a travel document valid for a period shorter than that of the projected travel. The provision was unnecessary. The minimum validity was a matter for domestic regulation; in Belgium, travel documents were issued either for three months or for two years, and the fees differed considerably. Stateless persons should not be compelled to pay for a document with a validity greater than they needed.

Mr. BROWN (United Kingdom) replied that in normal circumstances it was a matter for each State to decide whether to issue or withhold the travel document in a given case, but the issuance had been made obligatory under article 28 of the instrument, unless compelling reasons of national security or public order otherwise required (E/CONF.17/L.11). Provision for a minimum period of validity was therefore essential. He had no strong views about the inclusion in the instrument itself of the provision for one or two years; it might be embodied in a recommendation. If so, the latter part of the paragraph might be retained and be introduced by the words “in any case.”

Mr. VOIGT (Federal Republic of Germany) said that, even if a country wished to depart from the normal procedure, there should be a limitation specifying a reasonable period.

Mr. LOOMES (Australia) said that the discussion had shown that paragraph 5 would best be omitted. The suggested expression, reasonable for the purposes of travel, was too vague. The validity should be left to the discretion of the State issuing the travel document to a stateless person for a particular journey. The idea that issuance of the document was obligatory conflicted with the idea of validity for an indefinite period.

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Mr. BOZOVIC (Yugoslavia) supported the Australian representative's view. If the provision were included, however, it would be best to specify a period of from three months to two years.

Mr. BROWN (United Kingdom) said that he had been impressed by the arguments against the inclusion of an indefinite period of validity, but he still felt that some specification of a time limit was required to safeguard the rights of stateless persons in the matter. The Yugoslav representative's suggestion was good.

The PRESIDENT felt that, if a minimum term of validity was prescribed, it might be as well to avoid mentioning the alternative maximum period of validity and thus simply to say "not less than three months and not more than two years."

Mr. HERMENT (Belgium) supported that proposal.

Mr. VOIGT (Federal Republic of Germany) asked whether the reservation concerning compelling reasons of public order in article 28 applied to paragraph 5 of the schedule. If it did, it would mean that the minimum period might be reduced. That would be better for the stateless person than the total refusal of a travel document.

The PRESIDENT considered that, as a country could refuse to issue a travel document for reasons of national security or public order under article 28, it would be justified, in cases where absolute refusal was legitimate, in issuing a travel document with a term of validity shorter than any normal minimum period provided for in the schedule.

Mr. HERMENT (Belgium) said that the interpretation was logical, but according to the letter of the text a State would have either to refuse to issue the document or else to issue it with three-months' validity. Perhaps the inclusion of a reservation

such as that in paragraph 4–“save in special or exceptional cases”–might cover the question.

Mr. BROWN (United Kingdom) said that he hoped that no attempt would be made to reduce the validity still further. He agreed with the

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Danish representative's interpretation. A State was bound to issue the travel document unless compelling reasons of national security, or public order otherwise required. If a State decided that for the reasons mentioned it could not issue the document under the schedule, there would be nothing to prevent it issuing some other kind of travel document to the stateless person requesting it.

Mr. LOOMES (Australia) did not agree. If a person was recognized as a stateless person, he was entitled to the benefits of the instrument and consequently to those of the schedule, and, accordingly, a State could not justify issuing a travel document other than that provided for in the schedule. That argument confirmed his view that paragraph 5 was unnecessary; discretion should be left to the State issuing the document. He did not oppose the three-months' validity, but would abstain from voting for it.

Mr. DONS (Norway) said that the idea in paragraph 5 might be better combined with those in the United Kingdom amendment (E/CONF.17/L.18) to paragraph 13 of the schedule.

Mr. BROWN (United Kingdom) replied that he had considered that method of stretching the interpretation of paragraph 13, but had concluded that there was some virtue in stating the idea clearly in a separate article, particularly as the schedule in the instrument under consideration would be compared with the schedule of the 1951 Convention and the absence of the clause might be construed to mean that there was no provision for a minimum validity in the former document.

The United Kingdom oral proposal with the wording suggested by the President was adopted by 12 votes to none, with 5 abstentions.

Paragraph 6 of schedule

Mr. LOOMES (Australia) said that he had already explained the reasons for which he regarded sub-paragraph 2, as unnecessary. He would abstain from voting for it.

Paragraph 6, sub-paragraph 1, was approved by 13 votes to none, with 2 abstentions.

Paragraph 6, sub-paragraph 2, was approved by 12 votes to none, with 3 abstentions.

Paragraph 6, sub-paragraph 3, was approved 13 votes to none, with 2 abstentions.

Paragraph 6 as a whole was approved by 13 votes to none, with 2 abstentions.

The schedule as a whole, as amended, was approved by 12 votes to none, with 3 abstentions.

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Proposal by Belgium for a new article to be included in the instrument (E/CONF.17/L.12) (concluded)

Mr. BROWN (United Kingdom) said that he was not convinced of the propriety of including an article concerned with military service in an instrument intended to confer rights and freedoms on stateless persons. It was not the practice of the United Kingdom to require aliens to perform military service in peacetime. The second paragraph was not acceptable, since it would enable a stateless person to do very brief service in one country and thus avoid full service in another.

Mr. SCHELTEMA (Netherlands) said that he would abstain, for lack of instructions.

Mr. LOOMES (Australia) said that, he could not support the Belgian proposal. The provision in the first paragraph was amply covered by article 2. He agreed with the United Kingdom representative about the second paragraph. The phrase “such obligations” was vague; it might mean any military service at all.

Mr. DONS (Norway) opposed the proposals for the reasons adduced by the United Kingdom and Australian representatives.

Mr. HERMENT (Belgium) explained that he considered that the Conference had not only to bestow rights on stateless persons, but also to obviate statelessness. Many persons might voluntarily become stateless to avoid military service. If they knew that they could not do so, they might hesitate to renounce their nationality.

The Belgian proposal (E/CONF.17/L.12) was rejected by 7 votes to 3, with 6 abstentions.

Proposal by France for a new article to be included in the instrument (E/CONF.17/L.17)

Mr. JOBEZ (France) explained that he had proposed the new article because it was unfair to the nationals of a country of which a stateless person had formerly been a national if, after losing his nationality through failure to comply with certain formalities, he should be accorded privileged treatment. It

would be difficult for his country to accord such persons most favourable treatment or assimilate them to its own nationals. In fact, the proposed article was intended to be a kind of safety clause.

Mr. HOLMBACK (Sweden) reserved his position regarding the French proposal pending the receipt of instructions from his Government.

Mr. BROWN (United Kingdom) pointed out that he, too, had not yet received any instructions from his Government on the French proposal. He had no objection to a vote being taken on first reading, but reserved the right to refer to the proposal again on second reading.

Mr. LOOMES (Australia) thought that the French proposal met a real need and he was therefore inclined to support it. When an alien had been accorded a certain treatment, he should not be allowed to enjoy better treatment on becoming stateless.

Mr. ROBINSON (Israel) felt that the French proposal was basically unsound. An alien could become a stateless person in the three following ways. (1) He could lose his nationality under the operation of nationality laws. Since he had no control over such circumstances it was unfair that he should suffer for it. (2) He might have lost his nationality as a result of the individual or mass deprivations of nationality which had occurred between 1922 and 1942. Here again there was no reason why he should be punished for that. He should, on the contrary, be compensated. If the international community refused to help such cases, the position today would be worse than under the Nansen Agreement of 1922. (3) A person could also lose his nationality by voluntary renunciation. That was completely different from the other two ways. Such spontaneous and unilateral renunciations should not, however, entail the automatic consequences which ensued in the other cases. Control and review were possible and individual cases could be examined by the Government concerned. Thus in the present case also it was unfair to punish a person when a Government considered that he had a

good reason for renouncing his nationality. If it was necessary—which he doubted—to find a way to dissuade persons from becoming stateless, that should be done without depriving such persons of their rights. He hoped, therefore, that the French

delegation would reconsider its proposal or formulate it in another way.

Mr. VOIGT (Federal Republic of Germany) did not think that many persons would wish to give up their nationality for the doubtful advantages of statelessness. Aliens who had been residing in a country for many years and had enjoyed the treatment there and then suddenly lost their nationality through no fault their own should continue to enjoy such treatment.

Mr. BOZOVIC (Yugoslavia) agreed that a distinction should be made between persons who lost their nationality owing to circumstances beyond their control and persons who were deprived of their nationality under the operation of nationality laws, because they had neglected certain formalities. He did not think that aliens should be encouraged to become stateless. He was therefore in favour of a formula which would make it possible both to avoid inflicting hardships on the first class and to prevent persons belonging to the second class from choosing to become stateless when they so desired. If that could be done, he would be prepared to accept the French proposal.

Mr. TUNCEL (Turkey) thought that the discussion had revealed a number of drawbacks in the proposal. If it were adopted, it would divide stateless persons into two groups. The first group would consist of persons who were already stateless and who would enjoy the rights and benefits provided under the instrument to be adopted. The second group would consist of future stateless persons who would not have the same advantages. Such a division would be contrary to the instrument.

The PRESIDENT, speaking as representative of Denmark, said that his Government was aware of the problem but had not wished to raise it as the benefits in question were not very different from those accorded in Denmark to aliens

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in general. The main drawback of the French proposal concerned travel documents. Its adoption would deprive former nationals of the benefits provided under article 28 and the schedule and would generally create more difficulties than it would solve.

Mr. JOBEZ (France) noted that the discussion had shown that the advantages which some countries would derive from his proposal would not make up for the hardships it would inflict on certain classes of stateless persons. He would therefore withdraw it, but might submit it once more in a new form on second reading.

Form of the instrument

The PRESIDENT proposed that a vote should be taken on whether the final instrument was to be a protocol or a new convention.

Mr. SERRANO GARCIA (El Salvador) said that for countries like his own, which had not signed the 1951 Convention, a new convention would be better than a protocol.

Mr. HERMENT (Belgium) thought that the main question was whether the new instrument should be linked to the 1951 Convention or not.

The PRESIDENT proposed that a vote should be taken on whether the instrument was to be an independent document.

It was decided by 12 votes to none, with 3 abstentions, that the international instrument should be an independent document.

It was decided by 12 votes to none, with 3 abstentions, that the new instrument should take the form of a convention.

Final Clauses - (A/CONF/2/108/Rev.1)

The PRESIDENT explained that, as the clauses were not included in document E/CONF.17/3, the 1951 Convention would be used as a working document.

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Article 38 (Settlement of disputes)

Article 38 was approved unanimously.

Article 39 (Signature, ratification and accession)

Mr. LOOMES (Australia), and Mr. HERMENT (Belgium), proposed that alternative A of the Working Paper (E/CONF.17/L.14) submitted by the Danish delegation should be adopted.

Alternative A was approved unanimously.

Article 40 (Territorial Application Clause)

It was agreed to postpone discussion of that article.

Article 41 (Federal Clause)

Mr. VOIGT (Federal Republic of Germany) hoped that the federal clause would be approved, as in his country education came under the federal authorities.

Mr. LOOMES (Australia) supported the inclusion of the federal clause, which affected his country very closely.

Mr. BOZOVIC (Yugoslavia) recognized the difficulties of federal States but could not accept such a clause unless it was understood that federal States would have the same obligations as other Contracting States. Otherwise he would vote in favour of paragraphs (a) and (c), but would abstain in the case of paragraph (b) and the article as a whole.

Paragraph (a) was approved by 14 votes to none, with 1 abstention.

Paragraph (b) was approved by 12 votes to none, with 3 abstentions.

Paragraph (c) was approved by 13 votes to none, with 2 abstentions.

Article 41 as a whole was approved by 12 votes to none, with 3 abstentions.

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Mr. HERMENT (Belgium) explained that he had abstained from voting on article 41 because it made no provision for reciprocity.

Appointment of a style committee

The PRESIDENT suggested a suspension of the meeting for the purpose of holding an informal consultation on the appointment of a style committee to revise, before the second reading, the drafts of the articles that had been approved.

It was so agreed.

The meeting was suspended at 5.35 p.m. and resumed at 5.55 p.m.

The PRESIDENT suggested that the style committee should consist of the representatives of Belgium, France, Guatemala, the United Kingdom and himself, and that its first meeting should be held that evening.

It was so agreed.

Article 42 (Reservations)

Mr. LOOMES (Australia) recalled the view of his delegation on the definition of a stateless person approved by the Conference on first reading (E/CONF.17/L.11/Add.2). He had not pressed for a vote on his amendment and had deferred to the desire of the majority for a fairly broad definition on the understanding that Governments which did not share that desire would be able to reserve their position on the application of the definition.

Accordingly, he proposed that article 1 should be excluded from the articles that were not subject to reservations.

Mr. DONS (Norway) thought that his Government would wish to express a reservation to article 1(2). He supported the Australian proposal.

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Mr. BOZOVIC (Yugoslavia) said that he was in the same position as the Norwegian representative. Article 1(2), as approved at the 10th and 11th meetings, would not be acceptable to his Government. However, a decision on article 42 should be deferred since it would depend on the result of the consideration of the United Kingdom amendment to article 1 (E/CONF.17/L.21).

The PRESIDENT, speaking as representative of Denmark, recalled that the decision at Geneva to exclude certain articles of the Convention on Refugees from liability to reservations had been governed by the fact that the drafters did not wish to be Parties to the Convention with States that declined to accept the definition of a refugee and the minimum obligations required by the precarious position of *bona fide* refugees.

The situation was different with respect to stateless persons. Their position was not so urgent. If it was decided to admit reservations to article 1, it seemed to him that they could safely be admitted to all the articles, and the short list at the end of article 42(1) could be deleted.

Mr. ROBINSON (Israel) pointed out that another consideration at Geneva had been that the essence of the Convention should not be undermined. The same consideration applied to the present Convention. If the Contracting States were permitted to express reservations to the essential articles of the Convention, they would in effect have complete freedom to veto the Convention. Moreover, an expressed reservation was not a reservation until it had been accepted by the other Contracting States, and if some reservations were accepted by some States and rejected by others, the result would be chaos. The Convention would thereby lose its integrity and be reduced from an international law-making instrument to a mere catalogue of pious hopes.

The study of the vexing problem of reservations to international instruments had established that a reservation could not be an unfettered display of the sovereignty of the reserving State but was subject to the expressions of sovereignty of accepting States. Thus, there was another general aspect of the question: approval of the principle of freedom to veto would be a retrogression from the present stage of development of international agreements.

In his view, if the Conference could not protect the essential rights *ratione materiae* from the undermining effects of reservations, it must ensure, at least, the inviolability of its applicability *ratione personae*.

Mr. BROWN (United Kingdom) shared the Israel representative's view that there must be an essential minimum, and agreed with the President that there was no point to safeguarding any articles if reservations were permitted to article 1.

He would have to vote against the Australian proposal unless it was re-phrased to specify the type of reservation that should be admitted. He would be prepared to consider such a proposal on its merits. In any event, it seemed to him that article 1, paragraph 2, (E/CONF.17/L.11/Add.2) ought not to be made subject to reservations for the simple reason that it imposed no obligations.

Mr. LOOMES (Australia) said that he could not accept the United Kingdom suggestion because it was most difficult to foresee the specific objections that his Government might have. He appreciated the views expressed by the Israel representative but he urged the Conference to take into account the widely different conditions in various countries. Australia was a country of immigration and its problems were not the same as those of European countries.

If the Conference sought the largest possible community of acceding States, it should take such factors into account in elaborating the terms of the Convention.

The PRESIDENT said that he would put the Australian proposal to the vote in respect of paragraphs 1 and 2 of article 1 separately, since the two paragraphs dealt with entirely different groups of persons.

The Australian proposal was rejected with respect to paragraph 1 of article 1 (E/CONF.17/L.11/Add.2), by 13 votes to 3, with 1 abstention.

Mr. ROBINSON (Israel) did not think it possible to vote with respect to paragraph 2. He agreed with the United Kingdom representative that the paragraph was not binding on Contracting States and therefore not open to reservations. The provision introducing "reasons recognized as valid by the State in which he is resident" deprived the paragraph of obligatory force because under international law no State was bound to recognize a unilateral determination of another State except when that was expressly provided for.

He felt that the point made by certain delegations would be met by including a statement of understanding in the Final Act of the Conference, clarifying the non-obligatory character of paragraph 2.

Mr. BOZOVIC (Yugoslavia) welcomed the Israel representative's observations because they supported the position he had adopted from the beginning; that his Government could not be bound by decisions to which it was not a party.

Mr. HERMENT (Belgium) expressed surprise at the Israel representative's interpretation. In signing and ratifying the Convention, Contracting States would bind themselves to recognize the determinations made by other Contracting States on a number of questions including, for example, the validity of the travel document issued to a stateless person by another State. If, in spite of the language of various articles, each State was free to decide for itself the merits of another State's decision, the whole purpose of the Convention would be defeated.

Mr. TUNCEL (Turkey) supported the Belgian representative's interpretation. All States ratifying the Convention would bind themselves to accept certain decisions of other Parties.

Mr. ROBINSON (Israel) pointed out that paragraph 2 was not a definition. It reserved to each Contracting State the option of acting in a certain way on its own territory. The distinction between paragraphs 1 and 2 was analogous to that between the *jus cogens* and the *jus dispositivum* of Roman Law.

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The merit of paragraph 2 was that, in accordance with a cardinal principle of all life, the law of imitation, which operated even at the international level, it sought to provoke imitation and thereby more liberal treatment of stateless persons.

Mr. HERMENT (Belgium) thought it odd that a purely permissive provision should be bracketed in one article with the obligatory provision set forth in paragraph 1. If paragraph 2 was intended only as a *voeu*, it should not be placed in an article entitled "Definition."

The PRESIDENT, speaking as representative of Denmark, thought that under either of the interpretations advanced there would be little or no difference in practice in the treatment accorded to persons covered by paragraph 2. If a travel document guaranteed the possibility of returning an allegedly stateless person to the country issuing the travel document, he failed to see what motive another country, other than the country of origin, could have in refusing to accept the

document as valid.

The meeting rose at 7 p.m.

Thirteenth Meeting, 22 September 1954

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/CONF.17/SR.13 12 October 1954

CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

SUMMARY RECORD OF THE THIRTEENTH MEETING

Held at Headquarters, New York, on Wednesday, 22 September 1954, at 11:45 a.m.

Contents

Statement by the President on the Salvadorian representative's credentials
Revision of the draft protocol relating to the status of stateless persons in the light of the provisions of the Convention relating to the Status of Refugees of 28 July 1951 and of the observations made by the Governments concerned: consideration of the substantive provisions to be applied to stateless persons (A/CONF.2/108/Rev.1, E/CONF.17/3, E/CONF.17/L.11/Add.2, L.16 and L.21) (continued)

President: Mr. LARSEN (Denmark)

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STATEMENT BY THE PRESIDENT ON THE SALVADORIAN REPRESENTATIVE'S CREDENTIALS

The PRESIDENT proposed, on behalf of the Credentials Committee, that the Conference should approve the credentials submitted by the Salvadorian representative authorizing him to take part in the Conference's work and to sign the instrument it would prepare.

It was so decided.

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS IN THE LIGHT OF THE PROVISIONS OF THE CONVENTION RELATING TO THE STATUS OF REFUGEES OF 28 JULY 1951 AND OF THE OBSERVATIONS MADE BY THE GOVERNMENTS CONCERNED: CONSIDERATION OF SUBSTANTIVE PROVISIONS TO BE APPLIED TO STATELESS PERSONS (A/CONF.2/108/Rev.1, E/CONF.17/3, E/CONF.17/L.11/Add.2, L.16 and L.21) (continued)

The PRESIDENT said that the Style Committee had redrafted the English and French texts of the articles approved in first reading. To give the Guatemalan representative time to prepare a Spanish text on which the Spanish-speaking representatives could formally agree, the next meeting should not be held until the following morning. The first reading should be concluded as soon possible.

Article 40

Mr. SCHELTEMA (Netherlands) explained that he had submitted an amendment to article 40 (E/CONF.17/L.16) because of the constitutional structure of the Netherlands. Surinam and the Netherlands Antilles, two formerly Non-Self-Governing Territories, now had full domestic autonomy and might have adopted laws and regulations concerning stateless persons which need not necessarily coincide with those of the instrument to be prepared; the Government of each of the Territories must therefore be able to make, through the intermediary of the Netherlands Government, such reservations as it might see fit. The provision which the Netherlands delegation proposed to be inserted between paragraphs 1 and 2 of

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article 40 was taken from the Convention for the Protection of Human Rights and Fundamental Freedoms prepared by the Council of Europe and signed in Rome on 4 November 1950. The Council of Europe had considered the provision necessary to permit a metropolitan country to make different reservations from those of its dependent territories. It was solely with that purpose in mind that the Netherlands delegation was asking the Conference to adopt its amendment.

Mr. ROBINSON (Israel) thought that it was justifiable to want safeguards for the territories for the international relations of which the Netherlands was responsible. He felt, however, that the Netherlands delegation should not press its amendment. In his opinion, the similarity between the two conventions was only superficial. The Rome Convention applied to one continent, Europe. The application of the instrument the Conference was preparing would be much wider, indeed almost universal. In the first convention a distinction had to be drawn between the metropolitan country in Europe and the overseas territories. That was not the case at present. Moreover, the corresponding article of the Rome Convention contained no provisions similar to those of article 40, paragraph 3. That paragraph which had been included in the Geneva Convention through the efforts of the United Kingdom, already covered the question of separation of powers.

The first paragraph of article 40 gave the signatory States sufficient freedom of action. Furthermore, the reservations that a State might make would not necessarily be limited to substantive provisions; they might relate to the application of the convention in the metropolitan country or in the territories for the

international relations of which it was responsible. There was hence no need to add a provision which was already implied in the draft under consideration, and he hoped that the Netherlands delegation would not press for a vote on its amendment.

Mr. SCHELTEMA (Netherlands) stated that if the Conference shared the Israel representative's view and felt that article 40 as it stood would not prevent the Netherlands Government from making separate reservations for the metropolitan

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territory and for the territories for the international relations of which it was responsible, the Netherlands delegation would consider itself satisfied and withdraw its amendment.

Mr. HERMENT (Belgium) was of the opinion that articles 40 and 42, taken together, enabled the Netherlands to make reservations regarding the application of the convention in the territories for the international relations of which it was responsible. There was consequently no need to add a further provision to that effect.

Mr. SCHELTEMA (Netherlands) withdrew his amendment.

Mr. BOZOVIC (Yugoslavia) said that he would have been ready to accept the Netherlands amendment if it had concerned the recognition of the right of the Governments of the Territories concerned to decide whether or not they would apply the convention. Such a provision would have been in line with the recognition of the Territories' autonomy. He could not vote in favour of the territorial application clause because in his opinion there was no reason why the administering Power should not apply an instrument in Non-Self-Governing Territories once it had ratified the instrument. Moreover, it would be unfair for a stateless person to enjoy certain rights in the territory of the metropolitan country and to lose them if he went to the colonies.

Article 40 was approved in first reading by 13 votes to one, with 3 abstentions.

Article 42 (continued)

Mr. BOZOVIC (Yugoslavia) felt that the Conference should agree on the interpretation of paragraph 2 of the article, which contained a definition of the words "stateless person," before discussing the question whether reservations could be submitted to the article.

Mr. BROWN (United Kingdom) recalled that he had submitted three amendments to the paragraph (E/CONF.17/L.21). He agreed that it was necessary to decide on the definition of the words "stateless person" before discussing the question of reservations, and proposed accordingly that the Conference should proceed to examine the amendments.

It was so decided.

Definition of the term "Stateless Person"

In reply to a question from the PRESIDENT, Mr. BROWN (United Kingdom) explained that he would not object if the Conference were to consider his three amendments simultaneously. The first was simply a drafting amendment. The second was intended to widen the definition of *de facto* stateless persons. At an earlier meeting he had referred to a definition appearing in a document prepared by the Secretariat (E/1112). That definition covered two types of stateless persons: on the one hand a person who had renounced the protection from the country of which he was a national and on the other a person to whom protection had been refused by the country of which he was a national. The second amendment was designed to include the latter category in the definition of *de facto* stateless persons. The third amendment re-introduced a concept which had already appeared in the revised draft protocol submitted by the United Kingdom (E/CONF.17/L.1), which provided that the protocol should not apply to persons covered by the Geneva Convention on Refugees. His delegation had abandoned that proviso, admitting that it was restrictive in cases of countries which had no intention of ratifying the Geneva Convention, but wished to ratify the instrument under discussion and apply it to the case of stateless persons who were also refugees. At that time however, an instrument covering only *de jure* stateless persons had been envisaged. The situation had changed now that it was proposed to include *de facto* stateless persons. It was difficult to draw the line between *de facto* stateless persons and refugees, and it would be undesirable to make the new convention an alternative instrument to the Geneva Convention. On the other hand, stateless persons who were also refugees might benefit from the instrument which was to be prepared.

Mr. HERMENT (Belgium) said that he would have no difficulty in accepting the second United Kingdom amendment (E/CONF.17/L.21) which seemed to him quite fair. On the other hand, he was doubtful whether it would be fair to prevent a stateless person who was a refugee and thereby admitted to the benefits of the Geneva Convention from benefiting by the new convention as would happen under the third United Kingdom amendment. It was true that the Geneva Convention

provided greater advantages, but in certain cases a stateless person who was also a refugee might find it to his advantage to opt for the status of stateless person.

The PRESIDENT, speaking as the representative of Denmark, said that he did not understand the third United Kingdom amendment. In both domestic and international law, a person might frequently take advantage of several different laws and it was usual to allow him to choose that which was most favourable to him; he could hardly be obliged to comply with the laws that were least favourable to him. The third United Kingdom amendment also raised difficulties with regard to extra-territorial application, for example in the case of relations between a State party to both conventions and a State which was a party only to the Geneva Convention. It seemed obvious that the State party to both conventions would have to grant the maximum advantages prescribed under those two conventions.

Mr. BROWN (United Kingdom) pointed out that in submitting its third amendment his delegation had in no way intended to narrow the scope of the Convention. He stressed the fact that that amendment related only to *de facto* stateless persons and would not exclude *de jure* stateless persons who were also refugees. In order to take into account the Danish representative's views, he suggested that it should be explained that the Contracting States would not be bound to apply the convention to persons to whom the Geneva Convention was already being applied.

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Mr. ROBINSON (Israel) thought that the third United Kingdom amendment raised three questions. First, whether the text of that amendment could be interpreted as meaning, as the representative of Belgium had suggested, that a person would not have the right to choose to benefit by the provisions of the convention relating to the status of stateless persons or those of the Convention relating to the Status of Refugees. He did not think that such an interpretation could be taken as understood or that the rejection of that amendment would be sufficient to establish such a principle. In the second place, the third United Kingdom amendment raised the problem of relations between States with regard to the application of the two conventions, and in particular the question whether a State could be bound by a convention to which it was not a party. Finally, that amendment raised the problem of the connexion between the texts of the two conventions. In that connexion, he thought that the wording of the United Kingdom amendment made it impossible to interpret it otherwise than as a restriction and not an extension. It would be better, in taking a decision on that amendment, if it were possible to compare the texts of the two conventions and discover whether there were really differences between the status of refugees and that of stateless persons.

Mr. TUNCEL (Turkey) agreed with the idea underlying the third United Kingdom amendment, as it was desirable to make as clear a distinction as possible between refugees and stateless persons. That idea, however, could be expressed in section D of article 1 of the Geneva Convention, the consideration of which had been postponed; it would be enough to replace the words “other than the United Nations High Commissioner for Refugees” in the first sub-paragraph by the words “including persons receiving from the United Nations High Commissioner for Refugees, and under the provisions of the Geneva Convention of 1951, protection and assistance.”

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Mr. DONS (Norway) thought that the third United Kingdom amendment was useful since it concerned *de facto* stateless persons who were in reality refugees, and were defined as stateless persons in paragraph 2 of the definition of the term. Thus, those persons might obtain the travel document for stateless persons, but persons protected by the Geneva Convention should not be allowed to apply for that document.

Mr. BOZOVIC (Yugoslavia) agreed with the representative of Norway, but thought that the further the question of *de facto* stateless persons was pursued, the more confused it became. He asked the Conference to keep to paragraph 1 of the definition, namely, that referring to *de jure* stateless persons.

Mr. HOLMBACK (Sweden) recalled that he had opposed paragraph 2 of the definition which, in his view, could only create confusion. He thought that any State was free to apply the Convention to any stateless person in its territory, but that it should not be able to issue travel documents for stateless persons to a person who was not stateless but already possessed a nationality. In the second reading he would therefore vote against paragraph 2 of the definition, even as amended by the United Kingdom representative in his second amendment.

Mr. BROWN (UNITED KINGDOM) pointed out that the question of *de facto* stateless persons had given rise to more difficulties than any other, even after the Conference had decided to refer to it in an optional clause only. Without making a formal proposal, he suggested that a simple recommendation should be adopted. If that suggestion was not accepted, his delegation would maintain its third amendment. If that amendment was adopted, States which did not favour it could make reservations; if it was rejected, States favourable to it could make reservations to paragraph 2 of the definition.

Mr. HERMENT (Belgium) recognized that some countries might hesitate to accept paragraph 2 of the definition but he failed to see why States that

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were willing to accord the benefits of the Convention to *de facto* stateless persons should be prevented from doing so. It would be better to allow reservations to be made to that paragraph rather than let its provisions appear in a recommendation which would be devoid of force.

Mr. ROBINSON (Israel) regretted that after his last statement the members of the Conference had not stated their views upon whether a person should be prevented from choosing the system of which he was to be a beneficiary and whether such a choice was possible under the present text of paragraph 2 of the definition. With regard to the United Kingdom representative's suggestion, he would prefer paragraph 2 to be retained and reservations to it allowed.

Mr. Abdel Meguid RAMADAN (Observer for Egypt) felt that article 1, part D, of the Geneva Convention should be included in the convention relating to the status of stateless persons, for some refugees retained their nationality and should be excluded from benefit under the convention relating to stateless persons.

The PRESIDENT felt that there were three separate problems before the Conference. There was firstly the general question of the definition of a "stateless person," which raised the particular question of whether the provisions of the convention relating to the status of stateless persons would apply not only to *de jure* persons but also, under certain clearly defined conditions, to *de facto* stateless persons. Secondly, there was the question whether, assuming it was decided that *de facto* stateless persons might be admitted to benefit under the Convention, States which did not apply the Convention's provisions to *de facto* stateless persons, as they were authorized to do under paragraph 2 of the definition, would in individual cases be bound by the decision of a State which agreed to extend those provisions to *de facto* stateless persons. Finally, there was the question of the relationship, so far as both *de jure* and *de facto* stateless persons were concerned, between the Convention relating to the Status of Refugees and the convention relating to the status of stateless persons.

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It had been said that the provisions of the Convention relating to the status of stateless persons should not be applicable to *de facto* stateless persons, because most of them were refugees. That analogy should not be carried too far, for there

were cases in which a person who could not in any way be regarded as a refugee might for various reasons be deprived of the protection of the State of which he was legally a national. It was easy to imagine, for example, the case of a person who, while abroad, was refused an extension of his passport by the consular authorities of the country of which he was a national and was instructed to return to that country. If that person, for reasons other than the fear of persecution or the like, did not return to his country he was henceforth deprived of the protection of the diplomatic and consular authorities of his country and thus became a *de facto* stateless person, although that did not make it possible to regard him as a refugee. Such cases were not rare, hence it was natural that States should be given the possibility of extending the Convention's provisions to *de facto* stateless persons, as provided for in paragraph 2 of the definition.

If, in view of those considerations, it was accepted that the Convention's provisions might be applicable to *de facto* stateless persons, the next step was to determine how far the decision of a State making use of the possibility accorded it under paragraph 2 might prevail against the other Contracting States.

It was precisely that question which arose when the Conference was discussing the admissibility or non-admissibility of reservations to paragraph 2 of the definition; in fact, to give a State the possibility of making reservations to paragraph 2 was tantamount to permitting it to declare that it reserved the right to treat as a national of a given country an individual whom another State had agreed to regard as a stateless person.

The question of the relationship between the Convention relating to the Status of Refugees and that relating to the status of stateless persons could be approached more easily by first considering *de jure* stateless persons, whose

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access to benefit under the provisions of the latter convention was incontestable. First of all, it was not clear why it should be necessary to dwell upon the possible conflicts between the instrument with which the Conference was now concerned and the Convention relating to the Status of Refugees, while at the same time disregarding the many other bilateral and multilateral conventions concluded in various fields and provisions of national legislation which might well contain provisions dealing indirectly with stateless persons or one particular category of them, just as did the Convention relating to Refugees. In so far as conflicts might arise, they would not necessarily do so solely because the convention now in preparation existed side by side with the Convention relating to the Status of Refugees.

In any case—and there was the crux of the question—the necessity of choosing between two provisions in the case of a single individual because both provisions applied to him was a situation often encountered in domestic law. It was generally accepted that when a person might invoke two provisions, one of which was more favourable to him than the other, the more favourable should be applied, and that the person concerned was not obliged to state once and for all which of the two provisions he preferred to come under. There was no reason why the same principle should not hold good at the international level or why a stateless person who was also a refugee should, by the mere fact of benefiting under the provisions of the new convention, be prevented from invoking those of the 1951 Convention, or *vice versa*, or why he should have to state once and for all which of the two instruments he would like applied to him. Where *de jure* stateless persons were concerned, therefore, it was not admissible that stateless persons covered by the Convention relating to the Status of Refugees should be excluded from the convention relating to stateless persons, and even less inadmissible that, if a choice had to be made, those provisions which offered them the less favourable treatment must be applied. Furthermore the acceptance of such a provision would rob article 5 of the convention of all value. As the representative of Denmark, therefore, he firmly opposed the third United Kingdom amendment as far as *de jure* stateless persons were concerned.

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It was plain that that reasoning was equally valid with regard to *de facto* stateless persons once it had been agreed that they should be eligible to benefit under the convention relating to the status of stateless persons. In the eyes of a State which agreed to accord *de facto* stateless persons the rights and advantages provided for in the Convention, the persons concerned should not thereby cease to benefit from such provisions of the Convention relating to the Status of Refugees as had hitherto been applicable to them, or from the provisions of such other international instruments as might concern them indirectly.

Mr. BROWN (United Kingdom) had a few practical suggestions to make, with a view to dispelling the confusion which seemed to have arisen and to enabling the Conference to settle the matter quickly.

In view of the comments of the representatives of Israel and Belgium, he withdrew his proposal that paragraph 2 of the definition should be simply a recommendation and not a provision of the Convention. In the circumstances, and since the general feeling seemed to be that, if paragraph 2 was adopted, provision must be made for reservations to it, the Conference might vote on paragraph 2 and on the phrase which the United Kingdom delegation proposed to add to it, it being understood for the time being—namely, pending the decision to be taken on article 42 regarding

reservations—that Governments would be authorized to make reservations to paragraph 2 should the occasion arise.

In view of his Government's instructions he was obliged to insist on his third amendment being put to the vote. The President had argued against *de jure* stateless persons being excluded from the benefits of the convention relating to the status of stateless persons simply because they were covered by the Geneva Convention; that, however, was not the object of the third United Kingdom amendment, which concerned only *de facto* stateless persons. In order that there might be no possible doubt on the matter, he proposed to replace the words "any person in the above category(ies)" in that amendment by the words "persons covered by the present paragraph." Similarly, so that it might be

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thoroughly understood that States would be able, if they wished, to the convention's provisions to *de facto* stateless persons, although no such obligation would be imposed on the Contracting State, he proposed to replace the word "however" in that amendment by the word "normally."

Mr. ROBINSON (Israel) thought that the United Kingdom representative's suggestions simplified the matter. He wondered, however, whether, all things considered, it was really necessary to provide for the possibility of reservations being made to paragraph 2 and whether it would not be sufficient if the members of the Conference agreed to consider that the decision taken by one Contracting State when applying the article in question would not bind the other Contracting States.

With regard to the third United Kingdom amendment, he was now convinced that its adoption would do more harm than good. As the President had stated, the question of the conflicts that might arise between the Convention relating to the Status of Refugees and that relating to stateless persons was a very small part of the general problem of conflicts which might arise between a particular Convention and any number of other bilateral or multilateral instruments, to say nothing of the conflicts which might exist between national legislation and international law. That was a vast and complex problem which the Conference could obviously not take up, even solely from the point of view of instruments concerning stateless persons, and in the circumstances it would create difficulties both for the Contracting States and for those covered by the convention if one possibility of conflict was envisaged and all the others ignored. Furthermore, as the President had pointed out, the adoption of the third amendment would rob article 5 of the convention of all value and that was sufficient reason for rejecting the third United Kingdom amendment.

The PRESIDENT wondered whether the wishes of the United Kingdom and Turkish representatives might be met by the inclusion in the Final Act of a sentence to the effect that, inasmuch as refugees were already covered by the provisions of a special Convention, States should exercise some caution when deciding to apply the provisions of the convention relating to the status of stateless persons to stateless persons who were already protected by the Convention relating to the status of refugees. In making that suggestion, he was to a certain extent taking up the idea the United Kingdom representative had had in mind when he had suggested the insertion of the word “normally” in his third amendment.

Mr. TUNCEL (Turkey) recalled that his delegation had always supported the theory that inasmuch as refugees and stateless persons were two distinct groups of persons, the instruments concerning them should also be clearly separated. Turkish legislation recognized three categories of persons other than nationals: namely, aliens, refugees and stateless persons, each category being precisely defined and each having a different legal status. He agreed with the Yugoslav representative that the situation was being unnecessarily complicated. For the Turkish delegation the question was clear: refugees could admittedly be at the same time stateless, but they were either *de jure* or *de facto* stateless persons and according to that circumstance should be covered by a different instrument. That was the principle that had always guided the Turkish delegation.

Mr. BROWN (United Kingdom), replying to a question by the PRESIDENT, explained that, in accordance with the Style Committee’s decision, the words “or was” in the fifth line of his first amendment should be regarded as having been deleted.

The PRESIDENT said that, before putting the first United Kingdom amendment to the vote, he wished to point out that, as the representative of Denmark, he interpreted that provision as being of strictly territorial scope.

Mr. BROWN (United Kingdom) had no objection to that interpretation.

Mr. HERMENT (Belgium) could not see how, in one and the same article, one paragraph could be of territorial scope and another of international scope. That would leave the door open to differences of interpretation. It would be better to admit that the provision in paragraph 1 of the United Kingdom amendment bound all Contracting States, even if that meant allowing reservations.

The PRESIDENT wondered whether the words “residing in its territory” could not be deleted, so as to allow each State, and not only the country of residence, to decide whether a person should be treated within his own territory as a *de facto* stateless person.

Mr. HERMENT (Belgium) said it was obvious that it was for the authorities of the country of residence to decide whether a person was to be regarded as a stateless person and accordingly covered by the provisions of the Convention.

The PRESIDENT, speaking as the representative of Denmark, said that he could not vote on the first United Kingdom amendment until it had been definitely decided what interpretation was to be given to it.

Mr. BROWN (United Kingdom) thought that the President’s reasonable objection might be met by a slight redrafting of the amendment in question. It was only the first reading, however; that being so, the Conference could vote upon the text forthwith, reserving the right to make some slight amendments at the second reading.

The PRESIDENT pointed out that any amendment proposed at the second reading, involving a change in the text adopted at the first reading would have to be approved by a majority in order to be adopted. In the circumstances it was impossible for him to vote on the text without knowing exactly what were its purpose and scope.

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Mr. ROBINSON (Israel) said that in view of the late hour it would be better to adjourn the debate.

Mr. SCHELTEMA (Netherlands) announced that his delegation did not intend to present the amendment it had reserved the right to submit to article 32.

The meeting rose at 1.50 p.m.

Fourteenth Meeting, 23 September 1954

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/CONF.17/SR.14 12 October 1954

CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

SUMMARY RECORD OF THE FOURTEENTH MEETING

Held at Headquarters, New York, on Thursday, 23 September 1954, at 10.40 a.m.

Contents

Revision of the draft protocol relating to the status of stateless persons in the light of the provisions of the Convention relating to the Status of Refugees of 28 July 1951 and of the observations made by the Governments concerned

(A/CONF.2/108/Rev.1, E/2373 and Add.1-14) (continued)

Definition of the term "stateless person" (E/CONF.17/L.11/Add.2,

E/CONF.17/L.21/Rev.1, E/CONF.17/L.22) (continued)

Final clauses (E/CONF.17/L.24, E/CONF.17/L.24/Add.1) (continued)

Preamble (E/CONF.17/L.19, E/CONF.17/L.23)

President: Mr. LARSEN (Denmark)

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REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS IN THE LIGHT OF THE PROVISIONS OF THE CONVENTION RELATING TO THE STATUS OF REFUGEES OF 28 JULY 1951 AND OF THE OBSERVATIONS MADE BY THE GOVERNMENTS CONCERNED (A/CONF.2/108/Rev.1, E/2373 and Add.1-14) (continued)

DEFINITION OF THE TERM "STATELESS PERSON" (E/CONF.17/L.11/Add.2, E/CONF.17/L.21/Rev.1, E/CONF.17/L.22) (continued)

The PRESIDENT wished to summarize the situation briefly before the Conference continued its work on the definition.

The first question was whether the State in whose territory a person resided should be authorized to regard him as a *de facto* stateless person and consequently to apply to him the treatment provided in the convention relating to the status of stateless

persons. There seemed to be no difficulty if it was a matter of the territorial scope of the decision which the country of residence might take. Obviously a State could in no circumstances be prevented from granting to a person on its territory treatment more favourable than it was bound to grant him in strict application of international obligations it had assumed. That was clearly a question entirely within each State's domestic competence.

The problem became more complicated, however, when it was a question of whether the decision of a State which agreed to regard a person resident on its territory as a *de facto* stateless person could be enforced upon other contracting States. If the reply to that question was in the negative, it was clear that countries other than the country of residence were not obliged to treat the person as stateless, but could do so if they thought fit. If the reply was affirmative, it raised the question of reservations, of which there might be three kinds: the State concerned might make a general reservation to the effect that in no case would it consider itself bound by the decision of the country of residence; or, it might take a special reservation to the effect that it would abide by the decision of the country of residence to a limited extent, in that it would grant the person in question

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the rights and privileges conferred by certain provisions of the Convention, such as recognizing the travel document issued by the country of residence; or, the State making the reservation might declare that it considered itself generally bound by the decision of the country of residence but reserved the right to depart from it in individual cases, when it felt that was necessary for reasons applicable to the person himself.

If the Conference did not give a clear affirmative or negative answer to that question, nothing in the Convention would show whether the decision of the country of residence could or could not be enforced upon other contracting States. In such a case, a recommendation might be included in the Final Act to the effect that, where the State on whose territory a person resided regarded him as a stateless person, it was desirable that other contracting States should abide by that decision. There was every reason to think that in most cases such a recommendation would ensure recognition of the travel document issued to a person regarded as stateless by his country of residence.

Finally, the Conference could leave States free to declare at the time of signature or ratification whether or not they agreed that the decision of the country of residence was valid in their territory. That third formula could obviously be combined with the three possible kinds of reservation.

Speaking as representative of Denmark, he thought it was important that the Conference should not adopt a text whereby the country of residence alone could deem a person stateless and apply the system provided by the Convention to him. If a State were not to be permitted to treat as stateless a person resident on territory other than its own, certain States which felt that the decision taken by the country of residence should be binding on them, regardless of whether such decision was negative or positive, might be reluctant to accept such an obligation. That was a real danger which the Conference should bear in mind.

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Mr. DONS (Norway) felt that the discussion showed that a number of delegations were in a serious difficulty. The problem could clearly be solved by a vote, whereby the majority view could be discerned and adopted, but the Governments of the minority would have great difficulties in signing and ratifying the Convention, so that the final result might be regrettable. Consequently, another procedure was necessary.

The real difficulty was that the members of the Conference were not agreed on the real consequences of paragraph 2. There were three ways of breaking the deadlock. First, reservations to paragraph 2 might be accepted, but he did not think that was a good method. Secondly, as the Israel representative had suggested, the final act might indicate what interpretation the Conference had given to the paragraph, but that again postulated an agreement which did not exist. Finally, paragraph 2 might be deleted and the text included in the final act as a recommendation. He recalled that he had supported the similar proposal previously submitted by the United Kingdom representative and withdrawn by him subsequently in the hope of saving the Conference's time and enabling it to proceed more quickly to a vote.

Unfortunately, that hope had not been realized and there was reason to think that the discussion was far from concluded. That being so, he proposed adoption of the third method, that of deleting paragraph 2 and including a recommendation in the final act. He wished his proposal to be regarded as an amendment to the second United Kingdom amendment (E/CONF.17/L.21/Rev.1). If it were adopted, the Conference would not be required to decide on the second and third United Kingdom amendments, which would no longer be applicable.

Mr. BROWN (United Kingdom) recalled that his delegation's original view had been that the convention should cover only *de jure* stateless persons because it feared that a number of countries would not be prepared to extend it to *de facto* stateless persons. Discussion had shown, however, that a number of delegations wished to include *de facto* stateless persons in the Convention, and three alternative proposals to that effect had been put before the Conference. The United Kingdom

delegation had supported Alternative C, which was a permissive formula, in the hope that it would prove acceptable to the largest possible number of delegations.

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It had appeared at the preceding meeting, however, that even that permissive formula raised serious difficulties for certain delegations. Furthermore, the discussion had shown that legal problems of interpretation might arise. While the United Kingdom delegation thought generally that stateless persons should be given the most favourable treatment that a majority of Governments could agree to, it was nevertheless of the opinion that, so far as the definition was concerned—which was fundamental to the whole convention—the aim should be not to obtain a majority but to reconcile all points of view so as to avoid some Governments being unable to sign or ratify the convention.

He therefore supported the Norwegian representative's proposal for the deletion of paragraph 2 and the inclusion of a recommendation in the final act. Such a course would have the great advantage of making it unnecessary to authorize reservations to the article containing the definition and of eliminating the difficulties of interpretation to which paragraph 2 would give rise.

Mr. SCHELTEMA (Netherlands) said that the Netherlands Government had no fixed ideas as to whether *de facto* stateless persons should benefit from the provisions of the Convention or not; it would probably have no difficulty in allowing that. In any event, he was of the opinion that the definition of the term "stateless person" should not be adopted by a small majority, but accepted by the greatest possible number of Governments. He therefore supported the Norwegian representative's proposal.

Mr. HERMENT (Belgium) said that all the objections to paragraph 2 in its present form had not convinced him of the need to discard it.

It had been said that few States would be prepared to apply the Convention to *de facto* stateless persons. He was not sure about that, and, even if it were so, it would not be a sufficient reason for preventing the countries, however few, which so desired from being generous to that category of stateless

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persons. It was proposed that that provision should be included in the form of a recommendation in the final act; but everyone knew that, while contracting States tried to carry out the actual provisions of an instrument, they did not pay much

attention to the recommendations in the final act. In that matter the example of the Convention relating to the Status of Refugees was conclusive. It had further been said that inclusion of such a provision in the definition would prevent some States from signing the Convention. He did not really see why, since States which did not accept the provision would be able to make reservations. In that connexion, some delegations seemed to think that reservations to the article containing the definition must be avoided at all costs, in view of the article's fundamental importance; but it should be noted that reservations were allowed on matters at least as important as the definition of the term "stateless person." Furthermore, it had been made clear from the outset that the definition would relate solely to persons regarded as stateless for the purposes of the Convention, and that there was no intention of providing a legal definition of statelessness.

If it were made impossible to extend the provisions of the Convention to *de facto* stateless persons, he wondered what would be the position of a *bona fide* refugee in a country which had not ratified the Convention relating to the Status of Refugees but ratified the Convention on stateless persons. Such a person would obviously benefit by neither convention, and would be in a more unfavourable situation than a mere stateless person, whose statelessness might in some cases be voluntary. He did not think that the Conference could justifiably refuse all protection to such refugees and make veritable pariahs out of them. Furthermore, by discarding paragraph 2, the Conference would be acting directly contrary to the instructions of the International Law Commission, which had asked it to arrange that *de facto* stateless persons should also be brought under the terms of the instrument to be prepared.

For all those reasons, he urged representatives to think again before deciding.

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Mr. HOLMBACK (Sweden) said that he had felt some disappointment when at the preceding meeting the United Kingdom representative had withdrawn his proposal that a provision of the kind appearing in paragraph 2 should be included in the final act in the form of a recommendation. He himself had been of the opinion that that was the only way of solving the problem, and in particular of avoiding the many difficulties of interpretation to which paragraph 2 might give rise. The Swedish delegation would therefore support the Norwegian proposal.

Mr. LOOMES (Australia) said that he would have been prepared to accept a clause enabling States which so desired to apply the provisions of the convention to *de facto* stateless persons, on the understanding that the decision of the States concerned would have effect only in their own territories. The discussion that had just taken place, however, had convinced him that the Norwegian proposal should

be maintained. He hoped the recommendation in the final act would make it clear that the decision of the stateless person's country of residence or of the country in which he was temporarily would affect only that country's territory, and would not involve the other contracting States. In any event, he reserved the right to express his views on any text or texts which might be proposed for the recommendation.

While he understood the reasons for the Belgian representative's attitude, he would like to point out that, as the President had said, there was nothing to prevent a State from giving *de facto* stateless persons the treatment accorded to *de jure* stateless persons, if they so wished. It was therefore unnecessary to include an explicit provision to that effect in the convention.

Mr. TUNCEL (Turkey) said that no one could or did question the right of the Government of a State in whose territory a stateless person was resident to regard and treat that person as a *de jure* stateless person. Any departure from that principle raised the question as to what the effects of the decision taken by the country of residence would be. The President had observed that there were three

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possible solutions. He himself would like to support the solution which consisted of authorizing reservations to paragraph 2, particularly special reservations. Actually, that solution was in substantial agreement with the Norwegian proposal that a recommendation should be included in the final act. By accepting paragraph 2 and providing for the possibility of special reservations to it, the result would be the same as if the convention included a recommendation to the effect that the contracting States would not be bound by the decision of the country of residence. He would therefore prefer the former solution, which had the same effect as the Norwegian proposal, but which had one advantage over it: the existence of a separate group of stateless persons, *de facto* stateless persons, would be recognized in the convention itself.

Mr. VOIGT (Federal Republic of Germany) agreed with the Belgian representative. He thought, however, that if some States did not accept article 1, paragraph 2, a compromise solution was still possible: it might be stated that, where the State on whose territory a *de facto* stateless person resided had decided to accord him certain rights and advantages, the other States were not bound by that decision. So far as travel documents were concerned, paragraph 7 of the annex might be amended and States might be requested to recognize such documents so far as possible and so far as their own legislation allowed.

Mr. JOBEZ (France) recalled that the draft protocol related only to *de jure* stateless persons. His Government did not consider it advisable to extend the provisions of

the convention to *de facto* stateless persons.

Mr. HERMENT (Belgium) said he was glad the representative of the Federal Republic of Germany shared his opinion, but could not support the solution he proposed. If the Conference adopted paragraph 2, with the proviso that the

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decision committed only the State in which a stateless person resided, the paragraph would become unnecessary, for any State was obviously free to give stateless persons the treatment it chose. The rights and advantages enjoyed by a stateless person in one contracting State should not be denied him when he was in another contracting State. Moreover, reservations with respect to travel documents were useless; when a stateless person was in a foreign country it was impossible for the authorities of that country to verify whether he was a *de jure* or a *de facto* stateless person, as the travel document was the same for both categories. The fears of some representatives were therefore exaggerated. The Conference might fail to accomplish its task if the Convention excluded *de facto* stateless persons, whose status was often more important than that of *de jure* stateless persons.

Mr. BOZOVIC (Yugoslavia) felt that it was evident from the debates that the only result of the paragraph would be to confirm the right of a State to grant what it considered the best treatment to a person on its territory. It had been emphasized that a State should not be prevented from exercising that right, but, in the absence of an international instrument, no State would be prevented from exercising it, just as no treaty could compel a State to treat a stateless person otherwise than it was prepared to treat him. Even before the Geneva Convention had been drafted, some States had already treated refugees generously. But, if every State had the right to treat a person as it saw fit, that situation might give rise to conflicts for which the Conference should not provide a legal basis. That was why his delegation was opposed to the extension of the definition of the term "stateless person" to *de facto* stateless persons.

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Nor could he accept the recommendation proposed by the Norwegian representative if it included the subjective criterion laid down in paragraph 2 of the definition. As a matter of principle he had thus far opposed any reservations to the definition, and he would therefore vote against any proposal to allow such reservations, whether in the text of the convention or in a recommendation. His Government might find it impossible to accede to the convention if such a proposal were adopted.

The PRESIDENT proposed, as a compromise, the adoption of a recommendation inviting States to consider favourably the possibility of granting the benefits of the convention to any person when the State on whose territory that person resided had decided to accord him those benefits.

Mr. AYCINENA (Guatemala) stated that his delegation had no objection to paragraph 2. However, he thought that the Conference should adopt the recommendation formula, as a number of countries would be unable to ratify the convention or would be forced to make many reservations if the paragraph were included in the definition.

Mr. HERMENT (Belgium) stated that he would not vote against the compromise solution, but that he would not be able to vote for it. He recalled that during the vote on alternative C he had explained that the clause would have extra-territorial effects. He also agreed that States could make reservations to that provision.

The PRESIDENT invited the Conference to decide whether the definition should include a provision allowing a State to grant a person who resided on its territory and who had renounced the protection of the State of which he was a national, the same treatment as *de facto* stateless persons, on the understanding that, although the clause would have extra-territorial effects, reservations could be made to it.

It was decided by 9 votes to 7, with 4 abstentions, not to include such provision in the convention.

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Mr. SCHELTEMA (Netherlands) explained that he had abstained because he was in favour of the Norwegian proposal.

Mr. LIVERAN (Israel) said that he had abstained because his delegation had already voted in favour of alternative A and was opposed to reservations to the definition.

FINAL CLAUSES (E/CONF.17/L.24, E/CONF.17/L.24/Add.1) (continued)

The PRESIDENT stated that the Style Committee had completed the drafting of all the final clauses, including those which the Conference had not yet adopted on first reading. He proposed that the examination of the final clauses should be completed by taking as a basis the document prepared by the Style Committee (E/CONF.17/L.24), in which the numbering of the articles had been amended.

It was so decided.

Article 38

Article 38 was approved on first reading by 17 votes to 1.

Article 39

Article 39 was approved on first reading by 19 votes to none, with 1 abstention.

Article 40

Article 40 was approved on first reading by 19 votes to none, with 1 abstention.

Mr. BOZOVIC (Yugoslavia) explained that he had abstained because he did not think that paragraph 3 of the article was satisfactory.

Article 41

Article 41 was approved on first reading by 19 votes to none, with 1 abstention.

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Article 42

Mr. HERMENT (Belgium) asked whether it would not be advisable to refer in the article to the notifications in connexion with the President's recommendation in case the recommendation should be approved.

Mr. BROWN (United Kingdom) thought the point well taken. However, the proposed recommendation in question would not form part of the draft convention, and it would therefore be inappropriate to refer to it in article 42. If it were thought desirable it would always be possible to make a reference to notifications in the text of the recommendation itself.

Mr. HERMENT (Belgium) emphasized that the implementation of a recommendation should constitute an example and, when a contracting State undertook to apply its provisions, that fact should be notified to the other contracting States.

Mr. SCHELTEMA (Netherlands) doubted whether acceptance of the provisions of a recommendation could have any legal force.

Mr. LOOMES (Australia) did not think that any provision could be made for notification except in respect of the articles of the Convention. He agreed with the Netherlands representative and pointed out that, although ILO Conventions, which were actually recommendations, made provision for notification, that was quite exceptional.

Mr. HERMENT (Belgium) considered that the procedure of ILO Conventions might in fact be a good pattern.

The PRESIDENT felt that the question raised by the Belgian representative could be considered in connexion with the study of the recommendation on *de facto* stateless persons.

Article 42 was adopted on first reading by 19 votes to none, with 1 abstention.

The last two paragraphs of the final clauses of the Convention were adopted on first reading by 19 votes to none, with 1 abstention.

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PREAMBLE (E/CONF.17/L.19, E/CONF.17/L.23)

The PRESIDENT, speaking as Danish representative, withdrew his proposal for the preamble (E/CONF.17/L.19) in favour of the Style Committees proposal (E/CONF.17/L.23),

Mr. HERMENT (Belgium) thought that the French text of the first introductory paragraph should read “*sans discrimination*” instead of “*sans distinction*” in order to coincide with the English text.

Mr. BROWN (United Kingdom) and Mr. LOOMES (Australia) thought that the words “without discrimination,” which were used in the Charter and in the Declaration of Human Rights, should be retained in the English text.

Mr. DONS (Norway) was surprised that, despite the tenor of the first two introductory paragraphs, the Convention made no mention of discrimination as to sex or language.

The PRESIDENT pointed out that the question would be reconsidered on second reading of article 3. He proposed that the words “United Nations” should be added before the words “General Assembly” in the first introductory paragraph.

It was so decided.

Mr. HOLMBACK (Sweden) felt that, in view of the decision not to include an article similar to article 33 of the Geneva Convention, it would be as well to express the idea of that article in the final act; his delegation was ready to submit a text.

The PRESIDENT, speaking as Danish representative, supported the Swedish representative’s proposal and, speaking as President, explained that since the final

act would not be submitted to the vote, it could include texts adopted by the Conference and various explanations. He would later propose a paragraph to the Conference, on the model of the Geneva Convention, stating that the titles

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of the chapters and of the articles of the Convention were included for practical purposes and did not constitute an element of interpretation.

Mr. TUNCEL (Turkey) proposed that the date of the Universal Declaration of Human Rights should be deleted from the first introductory paragraph; that the words “*L'Organisation des Nations Unies*” in the French text should be replaced by the words “*Les Nations Unies*”; and that in the third paragraph of the French text the words “*la situation*” should be replaced by “*le statut*.”

Mr. HERMENT (Belgium) agreed with the Turkish representative's first two suggestions, but felt that the word “situation” should be retained in the third paragraph. He proposed that the words “*sans distinction*” be replaced in the first introductory paragraph by the words “*sans discrimination*.”

Mr. AYCINENA (Guatemala) thought that in the third paragraph of the Spanish text the word “*situación*” or “*condición*” should be used instead of “*estatuto*.”

Mr. BROWN (United Kingdom) and Mr. LOOMES (Australia) felt that the English text should retain the word “status” which had a much wider meaning than the French “*statut*.”

Mr. JOBEZ (France) proposed that the word “*condition*” should be used in the French text. He recalled that the preamble of the redrafted text of the protocol on the status of stateless persons submitted by the French Government (E/2373/Add.4) established a connexion between the work of the Conference and that of the Geneva Conference. He asked that such a connexion should be shown in one of the paragraphs of the preamble or at least in the final act. He would make a formal proposal to that effect.

Mr. BROWN (United Kingdom) thought it better to include the date of the Universal Declaration of Human Rights in the first introductory paragraph of the preamble.

Mr. TUNCEL (Turkey) did not press his amendment.

The PRESIDENT proposed that the word “proclaimed” should be used instead of “approved” in the first introductory paragraph.

Mr. BROWN (United Kingdom) pointed out that the Conference was merely holding a first reading of the preamble. It would be better to refer all drafting changes to the Style Committee.

It was so decided.

Mr. AYCINENA (Guatemala) stated that the preparation of the Spanish text of the convention had raised serious difficulties, which had been solved with the co-operation of various members of the Secretariat.

The preamble was adopted unanimously by 19 votes on first reading.

The meeting rose at 12.45 p.m.

Fifteenth Meeting, 23 September 1954

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/CONF.17/SR.15 12 October 1954

CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

SUMMARY RECORD OF THE FIFTEENTH MEETING

Held at Headquarters, New York, on Thursday, 23 September 1954, at 3:20 p.m.

Contents

Revision of the draft protocol relating to the status of stateless persons in the light of the provisions of the Convention relating to the Status of Refugees of 28 July 1951 and of the observations made by the Governments concerned

(A/CONF.2/108.Rev.1, E/CONF.17/3, E/CONF.17/L.22 and 29) (concluded)

Adoption and signature of the Convention and of the Final Act of the Conference (E/CONF.17/L.24 and Add.1-2, E/CONF.17/L.25, 27 and 29)

Closure of the Conference

President: Mr. LARSEN (Denmark)

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REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS IN THE LIGHT OF THE PROVISIONS OF THE CONVENTION RELATING TO THE STATUS OF REFUGEES OF 28 JULY 1951 AND OF THE OBSERVATIONS MADE BY THE GOVERNMENTS CONCERNED

(A/CONF.2/108/Rev.1, E/CONF.17/3, E/CONF.17/L.22, E/CONF.17/L.29)

(concluded)

First reading of article 1 of the Convention (concluded)

Mr. BROWN (United Kingdom) proposed that a paragraph similar to section D of article 1 of the 1951 Convention should be included in the convention relating to the status of stateless persons. His delegation was opposed to the adoption of both paragraphs of section D as they stood. Much of the second paragraph seemed more applicable to refugees and it should therefore either be redrafted or deleted. A sentence might be added to the first paragraph to the effect that, when the assistance ceased, all persons in that category covered by the definition would still

be entitled to the benefits of the Convention.

The PRESIDENT thought that the point raised by the representative of the United Kingdom might be met by changing the word “persons” to “stateless persons.” It might also be useful to delete the words “without the position . . . United Nations.”

Mr. HERMENT (Belgium) failed to see the purpose of such changes. The main point was that the persons concerned would be receiving protection and such protection would not necessarily imply benefits.

Mr. TUNCEL (Turkey) supported the United Kingdom proposal. His delegation was, in principle, in favour of the Convention containing a general section similar to article 1, section D, of the 1951 Convention. He wondered, however, whether it was necessary to change the word “persons” to “stateless persons” since the second paragraph referred specifically to certain groups of persons for whom the United Nations had established a special system. Those persons were not stateless persons at the present time and his Government therefore preferred not to adopt a definite position with regard to their

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juridical status, which was a point at issue between several States. He was not in favour of the second paragraph being retained as it stood, since it was not applicable to stateless persons. His delegation was, however, prepared to support the inclusion of the first paragraph as it stood, provided it was understood that those persons would not become *de jure* stateless persons when the assistance ceased.

Mr. AZMI (Egypt) agreed with the views of the United Kingdom representative on the inclusion of the first paragraph. He did not, however, have any definite opinion on the second paragraph, which was not of special interest to his Government.

The PRESIDENT thought that the amendments suggested might clarify the text, but were not necessary. With regard to the second paragraph, he wondered whether the Conference had realized that, if the second paragraph were deleted, the exemptions referred to in the first paragraph would be perpetuated indefinitely. It was for that reason that it had been decided at the Geneva Conference, after long discussions, to include that paragraph.

Mr. BOZOVIC (Yugoslavia) was doubtful as to the wisdom of replacing the word “persons” by “stateless persons.” He agreed with the views of the President on the second paragraph. The same argument might also apply to section E. His delegation

was therefore in favour of the second paragraph being included in article 1.

Mr. BROWN (United Kingdom) agreed that the inclusion of the word “stateless” was not absolutely necessary. He proposed that in view of the implications of the words “at present” in the first paragraph, the words “so long as they are receiving such protection or assistance” should be added to the end of the paragraph.

Mr. DONS (Norway), referring to the words “at present receiving,” wondered what would happen to children born after the adoption of the convention.

Paragraph 1 of article 1 of the convention, as amended, was approved by 12 votes to 1, with 6 abstentions.

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Article 1 of the convention, as amended, was approved by 15 votes to 1, with 3 abstentions.

Mr. TUNCEL (Turkey) explained that he had abstained from voting because the article did not imply that when the assistance ceased such persons could not *ipso facto* become *de jure* stateless persons.

Mr. LOOMES (Australia) said he had voted against the article as it stood because it not include the limitations as to time and place considered essential by his Government.

Swedish draft resolution to be included in the final act of the Conference (E/CONF.17/L.27)

The PRESIDENT noted that the Swedish delegation had decided to change the original recommendation to a resolution. It had further decided that lines two and three should read “. . . the generally accepted principle that no State should expel or return a person in any manner . . .”.

The Swedish draft resolution was approved unanimously.

Danish proposal for a recommendation to be included in the final act of the Conference (E/CONF.17/L.25)

Mr. HERMENT (Belgium) thought that the word “*convention*” in the French text should be replaced by “*conférence*.”

Mr. LOOMES (Australia) observed that the words “recommends especially” in the second paragraph seemed to give more importance to the second paragraph than to

the first. He proposed that the words “recommends especially” should be changed to “recommends further.”

Mr. BROWN (United Kingdom) agreed. The paragraph also referred to “equivalent treatment.” He did not think that was intended, since the benefits to which such persons would be entitled in another country were less than those they would enjoy in the State where they resided.

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The PRESIDENT thought that the intention of the second paragraph was to draw attention to the fact that, once a person had been recognized in the country of residence as a *de facto* stateless person, it would normally be desirable that other countries also accord him such treatment. He proposed that the words “. . . equivalent treatment” should be changed to “other contracting States also accord him the treatment provided under the Convention.”

Mr. ROBINSON (Israel) thought that the main question was not one of treatment but of status. He therefore suggested that the words “equivalent treatment” should be replaced by “the same status.”

Mr. BOZOVIC (Yugoslavia) said that he would vote against the recommendation. His delegation was particularly opposed to the amendment suggested by the Israel representative. His Government did not wish to be obliged to recognize a status imposed by a unilateral decision.

Mr. ROBINSON (Israel) said he did not intend his suggestion to be embodied in any of the provisions of the Convention but hoped that it would be included in the final act as a recommendation.

The Danish recommendation, as amended, was approved by 13 votes to 1, with 5 abstentions.

Mr. de BARROS GOMES (Brazil) explained that he had abstained from voting on the Danish recommendation because it did not go far enough.

ADOPTION AND SIGNATURE OF THE CONVENTION AND OF THE FINAL ACT OF THE CONFERENCE

(E/CONF.17/L.24 and Add.1-2, E/CONF.17/L.25, 27 and 29)

The PRESIDENT invited the Conference to proceed to the second reading and formal adoption of the Convention. The adoption of article 1 would be deferred until document E/CONF.17/L.29 could be circulated in the three working languages.

E/CONF.17/SR.15 Page 6

Articles 2 to 42 inclusive, and attestation clauses (E/CONF.17/L.24)

Article 2 was adopted by 18 votes to none.

Article 3 was adopted by 17 votes to none, with 1 abstention.

Mr. BOZOVIC (Yugoslavia) said that for reasons that he failed to understand, the proposal he had made on first reading to include one of the basic principles of the Charter, non-discrimination as to sex, had met with opposition. He had abstained from the vote on article 3 because he considered it incomplete.

Article 4 was adopted by 18 votes to none.

Article 5 was adopted by 19 votes to none.

Article 6 was adopted by 17 votes to none, with 2 abstentions.

Article 7 was adopted by 16 votes to none, with 3 abstentions.

Article 8 was adopted by 15 votes to none, with 4 abstentions.

Article 9 was adopted by 13 votes to none, with 6 abstentions.

Article 10 was adopted by 18 votes to none, with 1 abstention.

Article 11 was adopted by 20 votes to none.

Article 12 was adopted by 19 votes to none, with 1 abstention.

Article 13 was adopted by 20 votes to none.

Article 14 was adopted by 18 votes to none, with 2 abstentions.

Article 15 was adopted by 19 votes to none, with 1 abstention.

Article 16 was adopted by 18 votes to none, with 2 abstentions.

Mr. TUNCEL (Turkey) explained that he had abstained from the vote on article 16 because he objected to paragraph 2.

Mr. SCHELTEMA (Netherlands) suggested that the expression “foreigners in general” in paragraph 1 of article 17 should be amended to read “aliens generally,” the formula used in other articles.

The Netherlands amendment was adopted.

Article 17, as amended, was adopted by 18 votes to none, with 3 abstentions.
Articles 18, 19, 20 and 21 were adopted by 20 votes to none, with 1 abstention.
Article 22 was adopted by 21 votes to none.
Articles 23 and 24 were adopted by 17 votes to none, with 4 abstentions.
Articles 25 and 26 were adopted by 19 votes to none, with 2 abstentions.
Article 27 was adopted by 20 votes to none, with 1 abstention.

Mr. BROWN (United Kingdom) noted that a comma had been omitted after the word “require” at the end of the third line of article 28.

The PRESIDENT said that there was also an error in the fourth line where the word “for” should be “of.” Minor typographical errors would be corrected by the Secretariat prior to the printing of the Convention. However, if necessary, he would reconvene the Conference to deal with important corrections.

Mr. TUNCEL (Turkey) asked for a separate vote on the clause “and the provisions of the Schedule to this Convention shall apply with respect to such documents.”

The clause was adopted by 14 votes to none, with 8 abstentions.
Article 28 as a whole was adopted by 18 votes to none, with 3 abstentions.
Article 29 was adopted by 19 votes to none, with 1 abstention.
Article 30 was adopted by 16 votes to none, with 1 abstention.

Mr. HERMENT (Belgium) asked for a separate vote on the second sentence or paragraph 2 of article 31.

The sentence was adopted by 17 votes to 2, with 2 abstentions.
Article 31 as a whole was adopted by 17 votes to none, with 4 abstentions.
Article 32 was adopted by 19 votes to none, with 2 abstentions.
Articles 33 and 34 were adopted by 21 votes to none.

Mr. TUNCEL (Turkey) asked, with reference to paragraph 2(b) of article 35, whether the States invited to attend the Conference were the same as those invited to the Geneva Conference of 1951.

The PRESIDENT replied in the affirmative.

Mr. HERMENT (Belgium) asked, with reference to paragraph 2(c), whether a State which had not been invited to attend the Conference and had not been invited by

the General Assembly to sign or accede could become a party to the convention.

The PRESIDENT replied in the negative.

Mr. ROBINSON (Israel) was confident that the General Assembly would extend such an invitation if a State expressed an interest in signing or acceding to the convention.

Article 35 was adopted by 21 votes to none.

Article 36 was adopted by 19 votes to 1, with 1 abstention.

Article 37 was adopted by 19 votes to none, with 2 abstentions.

Article 38 was adopted by 17 votes to none, with 3 abstentions.

Articles 39, 40 and 41 were adopted by 21 votes to none.

Article 42 was adopted by 20 votes to none, with 1 abstention.

The PRESIDENT said that the appropriate date would be inserted in the blank space in the attestation clauses.

The attestation clauses were adopted by 21 votes to none.

Schedule (E/CONF.17/L.24/Add.1)

The PRESIDENT said that the appropriate date would be inserted in the blank space in paragraph 1.

Paragraphs 1 to 16 inclusive were adopted by 16 votes to none, with 5 abstentions.

The model travel document was adopted by 15 votes to none, with 6 abstentions.

The meeting was suspended at 5.20 p.m. and resumed at 6.20 p.m.

E/CONF.17/SR.15 Page 9

Preamble (E/CONF.17/L.24/Add.2)

The PRESIDENT announced that the Style Committee had redrafted the penultimate paragraph of the preamble to read:

“CONSIDERING that only those stateless persons who are refugees are covered by the Convention relating to the Status of Refugees of 28 July 1951 and that there are many stateless persons who are not covered by that Convention,”.

The preamble, thus amended, was adopted by 21 votes to none.

Article 1 (E/CONF.17/L.29)

The PRESIDENT announced that drafting changes had been made in paragraph 2 (iii) to substitute the word “persons” for “any person,” with the necessary consequential alterations.

Mr. MENDEZ (Philippines) proposed that a new paragraph should be inserted to exclude persons with respect to whom there were serious reasons to suspect that they had entered the country illegally. It was true that that idea was implicit in other articles, but it should be stated explicitly at the beginning of the convention, for greater emphasis.

The PRESIDENT remarked that there had been no formal proposal to include article 31 of the 1951 Convention during the first reading. A proposal to include in the definition a completely new idea with the most far-reaching consequences was untimely. The Conference had implicitly decided that the matter should be left to domestic legislation.

Mr. BROWN (United Kingdom) supported the President. Not only was it too late to include such a far-reaching idea, but there were cogent reasons for omitting it. Refugees, it was true, were often compelled to enter a country illegally, but that was rarely so with *de jure* stateless persons. Several articles referred to stateless persons “lawfully staying” in a country; obviously stateless persons who had entered unlawfully could not claim the benefit of those articles.

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Mr. MENDEZ (Philippines) said that he would not press his proposal, provided that it was placed upon record. He had made it because there had been mass illegal entry into the Philippines by persons whose country of origin refused to accept their return when deportation orders were made out against them. Such persons might subsequently claim to be stateless persons. He would find it hard to sign a convention conferring new benefits on stateless persons if illegal entrants were likely to take advantage of it.

Mr. HOLMBACK (Sweden) asked that the vote should be taken by paragraphs and sub-paragraphs.

The PRESIDENT said that the vote would first be taken on paragraph 2, embodying the exclusions, since the result might affect the vote on paragraph 1.

Paragraph 2(i) was adopted by 17 votes to none, with 3 abstentions.
Paragraph 2(ii) was adopted by 20 votes to none.
Paragraph 2(iii)(a) was adopted by 17 votes to none, with 2 abstentions.
Paragraph 2(iii)(b) was adopted by 18 votes to 1, with 1 abstention.
Paragraph 3(iii)(c) was adopted by 20 votes to none, with 1 abstention.
Paragraph 2 as a whole was adopted by 20 votes to none.
Paragraph 1 was adopted by 19 votes to none, with 1 abstention.
Article 1 as a whole was adopted by 19 votes to 1, with 1 abstention.

Mr. TUNCEL (Turkey) explained that he had abstained on paragraph 2(iii)(a) because his personal opinion was that the reference to international instruments to make provisions against crimes against peace, war crimes and crimes against humanity was inappropriate, since no such instruments had been drawn up. He had likewise abstained on paragraph 2(iii)(c) because acts contrary to the purposes and principles of the United Nations had never been defined.

The PRESIDENT, speaking as representative of Denmark, explained that he had voted against paragraph 2(iii)(b) because it did not provide remedies for persons who had purged themselves of a serious crime.

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Mr. LOOMES (Australia) explained that he had voted against article 1 as a whole for the reasons he had given during the first reading.

Mr. HOLMBACK (Sweden) explained that he had abstained on paragraph 2(i) because the exception embodied therein was out of place in a convention relating to stateless persons.

Mr. HERMENT (Belgium) explained that he had abstained from voting on article 1 because the definition of *de facto* stateless persons should have been placed there rather than in the final act.

Mr. DONS (Norway) and Mr. MENDEZ (Philippines) drew attention to the inconsistent use of “stateless person” and “stateless persons” in the substantive articles.

The PRESIDENT replied that similar inconsistencies in the text of the 1951 Convention had never caused the slightest inconvenience.

Adoption of the draft convention

Mr. LOOMES (Australia) explained that he would abstain from voting for the draft convention as a whole because it did not embody the limitations of time and place regarded by the Australian Government as vitally important. He would accordingly reserve his Government's position and its complete freedom of action and its complete freedom of action as to acceptance or non-acceptance of the convention.

The PRESIDENT called for the vote on the draft convention relating to the status of stateless persons, the schedule and the model travel document.

Those instruments, as amended, were adopted by 19 votes to none, with 2 abstentions.

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Mr. BOZOVIC (Yugoslavia) explained his abstention. At the outset, his delegation had stressed the view that the Conference should aim at eliminating statelessness by taking as its basis the two instruments prepared by the International Law Commission. It had then thought, and still thought, that a conference of plenipotentiaries was not bound by any text prepared in advance. The Conference had, however, taken a less radical course. Useful though its work had been, it was necessarily of a temporary and partial kind and might perpetuate the existing situation. Undoubtedly that situation required improvement, but he was not convinced that the Conference had done all that it might have done by merely giving some rights to stateless persons. Such persons should be assimilated to naturalized persons after any considerable residence in a country and receive the appropriate rights. His abstention should not be construed to mean that the Yugoslav Government might not subsequently reconsider its position.

Mr. ROBINSON (Israel) explained that he had not participated in the discussion of articles 8, 12, 28 and 30 and had abstained from voting on them because his Government had made reservations to those articles when it ratified the 1951 Convention on 22 August 1954. Having made such reservations, his Government felt that it was in no position to try to influence the thinking of other delegations about those articles. While in possession of the necessary credentials, Mr. Robinson announced that he would not be able to sign the Convention on Tuesday, 28 September, because of the High Jewish Holiday.

Signature

The PRESIDENT announced that the Convention relating to the Status of Stateless Persons would be opened for signature on 28 September 1954 at 2.30 p.m.

Final act (E/CONF.17/L.25, L.27)

The inclusion of the Swedish draft resolution (E/CONF.17/L.27), as amended, in the

final act was approved by 21 votes to none.

The inclusion of the Danish draft recommendation (E/CONF.17/L.25), as amended, in the final act was approved by 16 votes to 1, with 4 abstentions.

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Mr. LOOMES (Australia) proposed that article II of the Final Act of the 1951 Convention (A/CONF.2/108/Rev.1) should be included in the final act of the Convention relating to the Status of Stateless Persons.

The proposal was adopted by 21 votes to none.

The PRESIDENT said that he, the other officers and the Executive Secretary of the Conference, would sign the Final Act in due course.

CLOSURE OF CONFERENCE

The PRESIDENT thanked the representatives, observers and Secretariat for their co-operation. He felt particularly gratified at the privilege of signing the Final Acts of two such humanitarian instruments as the 1951 Geneva Convention and that just adopted.

Mr. BROWN (United Kingdom), Mr. ROBINSON (Israel), Mr. CARIAS (Honduras) and Mr. SERRANO GARCIA (El Salvador) commended the President and other officers of the Conference for the manner in which they had conducted the business of the Conference and its Committees and the Secretariat for its co-operation.

The PRESIDENT declared the Conference of Plenipotentiaries on the Status of Stateless Persons closed.

The meeting rose at 7.30 p.m.

Proposals

L.1 - United Kingdom of Great Britain and Northern Ireland: Revised draft protocol relating to the status of stateless persons

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.1 13 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

Agenda item 5

DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS

United Kingdom of Great Britain and Northern Ireland: Revised draft protocol relating to the status of stateless persons

THE CONTRACTING STATES,

CONSIDERING that the Convention relating to the Status of Refugees concluded and opened for signature at Geneva on 28 July 1951, (hereinafter referred to as “the Convention”) deals only with refugees, whether stateless or not;

CONSIDERING moreover that there are many stateless persons who are not covered by the Convention and whose status it appears desirable to improve;

HAVE AGREED as follows:

Article 1

For the purpose of this Protocol the term “stateless persons” means persons who are not considered as nationals by any State according to its law.

Article 2

1. This Protocol shall apply to stateless persons who are not refugees within the meaning of Article 1 of the Convention. This Protocol shall not apply to stateless persons coming within the terms of Sections D, E or F of Article 1 of the Convention.

2. For the purposes of this Article the words “events occurring before 1 January 1951,” in Article 1, Section A, of the Convention shall be interpreted as referring to events occurring in Europe or elsewhere before 1 January 1951.

Article 3

The Contracting States undertake to apply to stateless persons to whom this Protocol applies the provisions, *mutatis mutandis*, of Chapters I to VI inclusive of the Convention, other than Articles 1, 8, 9 _____ 35 and 37.

L.2 – Australia: Proposal concerning the definition of the term “Stateless Person”

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.2 14 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

Australia: Proposal concerning the definition of the term “Stateless Person”

A. (1) For the purposes of the present Protocol, the term “Stateless Person” shall apply to any person who, as a result of events occurring before 1 January 1951, is not considered as a national by any State according to its law, and who is not covered by the Convention relating to the Status of Refugees dated 28 July 1951.

B. For the purposes of this Protocol, the words “events occurring before 1 January 1951” in article 1, section A, shall be understood to mean either

(a) “events occurring in Europe before 1 January 1951”; or

(b) “events occurring in Europe or elsewhere before 1 January 1951”;

and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Protocol.

(2) Any Contracting State which has adopted alternative (a) may at any time extend its obligations by adopting alternative (b) by means of a notification addressed to the Secretary-General of the United Nations.

C. The provisions of this Protocol shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) he has committed a serious non-political crime outside the country of residence prior to his admission to that country as a stateless person;

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

L.3 - Belgium: Proposal concerning the definition of the term “Stateless Person”

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.3 15 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

Belgium: Proposal concerning the definition of the term “Stateless Person”

For the purposes of the present Protocol, the term “Stateless Persons” shall designate persons who are not considered as its nationals by any State according to its law or who invoke reasons recognized as valid by the State in which they are resident for renouncing the protection of the country of which they are nationals.

L.4 – Israel: Proposal concerning the definition of a Stateless Person

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.4 15 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

Israel: Proposal concerning the definition of a Stateless Person

For the purposes of this Protocol (Convention) a “Stateless Person” is:

- (1) a person, who, on the effective day of this Protocol (Convention), has been treated by a Contracting State as not possessing the nationality of any State;
- (2) spouses or children of stateless persons;
- (3) a person who lost his nationality under the operation of the nationality laws applicable to him, and has not acquired a new one;

PROVIDED

that the persons listed in the first two categories do not enjoy in the Contracting State, the status of a refugee under the 1932, 1938 or 1951 Conventions.

L.5 – Denmark: Proposal concerning the application to stateless persons in the draft Protocol or Convention of Article 8 of the Convention relating to the Status of Refugees of 1951 (“exemption from exceptional measures”)

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.5 16 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

Denmark. Proposal concerning the application to stateless persons in the draft Protocol or Convention of Article 8 of the Convention relating to the Status of Refugees of 1951 (“exemption from exceptional measures”)

In the first sentence of Article 8:

1. After the words “interests of nationals” insert the phrase “or former nationals”;
2. Replace the words “refugee who is formally a national of the said State” by the words “stateless person”;
3. Between the words “such” and “nationality” insert the word “previous.”

L.6 - Report of the Drafting Committee on the Definition of “Stateless Persons”

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.6 17 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

REPORT OF THE DRAFTING COMMITTEE ON THE DEFINITION OF
“STATELESS PERSONS”

1. The Conference, at its fourth meeting on 15 September 1954, appointed a Drafting Committee to draw up the text of a definition of the term “stateless person.” The Drafting Committee was composed of the President of the Conference and of the representatives of Australia, Belgium, Brazil, Federal Republic of Germany, France, Israel and the United Kingdom of Great Britain and Northern Ireland.

2. It held two meetings on 15 and 16 September 1954.

3. The Committee submits the following text for the consideration of the Conference:

1. For the purpose of this Protocol (Convention) the term “stateless person” means a person who is not considered as a national by any State under the operation of its law.
2. Alternative A:

For the purpose of this Protocol (Convention), the term “stateless person” shall also include a person who invokes reasons recognized as valid by the State in which he is a resident, for renouncing the protection of the country of which he is a national.

Alternative B:

A Contracting State may, at the time of signature, ratification or accession make a declaration extending the provisions of this Protocol (Convention) to any person living outside his own country who, for reasons recognized as valid by the State in which he is a resident, has renounced the protection of the State of which he is, or was, a national.

Any Contracting State which has not made a declaration at the time of signature, ratification or accession may at any time extend its obligations by means of a notification addressed to the Secretary-General of the United Nations.

Alternative C:

Nothing in this Protocol (Convention) shall be construed to mean that its provisions cannot be made applicable to any person living outside his country who, for reasons recognized as valid by the State in which he is a resident, has renounced the protection of the State of which he is, or was, a national.

3. This Protocol (Convention) shall not apply to stateless persons coming within the terms of Sections D, E, or F of Article 1 of the Convention relating to the Status of Refugees of 1951.

L.7 – Belgium: Amendment for the application by protocol or convention of article 15 (Right of Association) of the 1951 Convention relating to the status of refugees

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.7 16 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

Belgium: Amendment for the application by protocol or convention of article 15
(Right of Association) of the 1951 Convention relating to the status of refugees

Replace the words: “the most favourable treatment accorded to nationals of a foreign country, in the same circumstances” by the following text: “the most favourable treatment possible and, in any case, not less favourable than that accorded to foreigners in general in the same circumstances.”

L.8 - Turkey: Amendment for the application by protocol or convention of article 15 (Right of Association) of the 1951 Convention relating to the status of refugees

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.8 17 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

Turkey: Amendment for the application by protocol or convention of article 15
(Right of Association) of the 1951 Convention relating to the status of refugees

After the words “nationals of a foreign country” insert the following phrase:
“or at least that accorded to aliens generally,”.

L.9 - Turkey: Amendment for the application by protocol or convention of article 17 (wage-earning employment) of the 1951 Convention relating to the status of refugees

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.9 17 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

Turkey: Amendment for the application by protocol or convention of article 17 (wage-earning employment) of the 1951 Convention relating to the status of refugees

In paragraph 1, after the words “in the same circumstances,” insert the following phrase: “or at least that accorded, in the same circumstances to aliens generally,”.

L.10 - Sweden: Amendment for the application by Protocol or Convention of Article 32 (expulsion) of the Convention relating to the Status of Refugees of 1951

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.10 17 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS

Sweden: Amendment for the application by Protocol or Convention of Article 32 (expulsion) of the Convention relating to the Status of Refugees of 1951

Amend paragraphs 1 and 2 to read as follows:

1. A Contracting State shall not expel a stateless person having his habitual residence on its territory save on grounds of national security or public order.
2. The expulsion of a stateless person shall . . .

L.11 – Articles adopted by the Conference, in first reading, for inclusion in a Protocol or Convention relating to the Status of Stateless Persons

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.11 20 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS

Articles adopted by the Conference, in first reading, for inclusion in a Protocol or Convention relating to the Status of Stateless Persons

1. The articles which the Conference has adopted, in first reading, are reproduced below with a reference to the appropriate article of the Convention relating to the status of Refugees of 1951. The latter Convention is referred to hereafter as “the 1951 Convention.”
2. The changes made by the Conference are indicated by underlining the words or phrases amended. Any passages deleted have been inserted between square brackets and a note of the decision of the Conference is given.
3. The Conference decided not to include Articles 31, 35 and 37 of the 1951 Convention in a Protocol or Convention relating to the Status of Stateless Persons. These articles are not reproduced below.

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General obligations

(See Article 2 of the 1951 Convention)

Every stateless person has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.

Non-discrimination

(See Article 3 of the 1951 Convention)

The Contracting States shall apply the provisions of this Convention to stateless persons without discrimination as to race, religion or country of origin.

Religion

(See Article 4 of the 1951 Convention)

The Contracting States shall accord to stateless persons within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practice their religion and freedom as regards the religious education of their children.

Rights Granted Apart from this Convention

(See Article 5 of the 1951 Convention)

Nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to stateless persons apart from this Convention.

The term “in the same circumstances”

(See Article 6 of the 1951 Convention)

For the purpose of this Convention, the term “in the same circumstances” implies that any requirements (including requirements as to length and conditions of sojourn or residence) which the particular individual would have to fulfil for the enjoyment of the right in question, if he were not a stateless person, must be fulfilled by him, with the exception of requirements which by their nature a stateless person is incapable of fulfilling.

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Exemption from reciprocity

(See Article 7 of the 1951 Convention)

1. Except where this Convention contains more favourable provisions, a Contracting State shall accord to stateless persons the same treatment as is accorded to aliens generally.
2. After a period of three years' residence, all stateless persons shall enjoy exemption from legislative reciprocity in the territory of the Contracting States.
3. Each Contracting State shall continue to accord to stateless persons the rights and benefits to which they were already entitled, in the absence of reciprocity, at the date of entry into force of this Convention for that State.
4. The Contracting States shall consider favourably the possibility of according to stateless persons, in the absence of reciprocity, rights and benefits beyond those to which they are entitled according to paragraphs 2 and 3, and to extending

exemption from reciprocity to stateless persons who do not fulfil the conditions provided for in paragraphs 2 and 3.

5. The provisions of paragraphs 2 and 3 apply both to the rights and benefits referred to in Articles 13, 18, 19, 21 and 22 of this Convention and to rights and benefits for which this Convention does not provide.

Exemption from exceptional measures
(see Article 8 of the 1951 Convention)

With regard to exceptional measures which may be taken against the person, property or interests of nationals or former nationals of a foreign State, the Contracting States shall not apply such measures to a stateless person solely on account of having previously possessed the nationality of the foreign State in question. Contracting States which, under their legislation, are prevented from applying the general principle expressed in this article shall, in appropriate cases, grant exemptions in favour of stateless persons.

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Provisional measures
(See Article 9 of the 1951 Convention)

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State that that person is in fact a stateless person and that the continuance of measures is necessary in his case in the interests of national security.

Continuity of residence
(See Article 10 of the 1951 Convention)

1. Where a stateless person has been forcibly displaced during the Second World War and removed to the territory of a Contracting State, and is resident there, the period of such enforced sojourn shall be considered to have been lawful residence within that territory.
2. Where a stateless person has been forcibly displaced during the Second World War from the territory of a Contracting State and has, prior to the date of entry into force of this Convention, returned there for the purpose of taking up residence, the period of residence before and after such enforced displacement shall be regarded as one uninterrupted period for any purposes for which uninterrupted residence is

required.

Stateless seamen

(See Article 11 of the 1951 Convention)

In the case of stateless persons regularly serving as crew members on board a ship flying the flag of a Contracting State, that State shall give sympathetic consideration to their establishment on its territory and the issue of travel documents to them or their temporary admission to its territory particularly with a view to facilitating their establishment in another country.

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Personal status

(See Article 12 of the 1951 Convention)

1. The personal status of a stateless person shall be governed by the law of the country his domicile or, if he has no domicile, by the law of the country of his residence.
2. Rights previously acquired by a stateless person and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State subject to compliance, if this be necessary, with the formalities required by the law of that State provided that the right in question is one which would have been recognized by the law of that State had he not become a stateless person.

Movable and immovable property

(See Article 13 of the 1951 Convention)

The Contracting States shall accord to a stateless person treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

Artistic rights and industrial property

(See Article 14 of the 1951 Convention)

In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic and scientific works, a stateless person shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that country. In the territory of any other Contracting State, he shall be accorded the same

protection as is accorded in that territory to nationals of the country in which he has his habitual residence.

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Right of association

(See Article 15 of the 1951 Convention)

As regards non-political and non-profit-making associations and trade unions the Contracting States shall accord to stateless persons lawfully staying in their territory the most favourable treatment possible and in any case, not less favourable than that accorded to foreigners in general in the same circumstances.

Access to Courts

(See Article 16 of the 1951 Convention)

1. A stateless person shall have free access to the courts of law on the territory of all Contracting States.
2. A stateless person shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the Courts, including legal assistance and exemption from *cautio judicatum solvi*.
3. A stateless person shall be accorded in the matters referred to in paragraph 2 in countries other than that in which he has his habitual residence the treatment granted to a national of the country of his habitual residence.

Wage-earning Employment

(See Article 17 of the 1951 Convention)

1. The Contracting States shall accord to stateless persons lawfully staying in their territory the most favourable treatment possible and, in any case, not less favourable than that accorded to foreigners in general in the same circumstances, as regards the right, to engage in wage-earning employment.

[2. In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions:

- (a) He has completed three years' residence in the country;
- (b) He has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefit of this provision if he has abandoned his spouse;

(c) He has one or more children possessing the nationality of the country of residence.]*

2. The Contracting States Shall give sympathetic consideration to assimilating the rights of all stateless persons with regard to wage-earning employment to those of nationals, and in particular of those stateless persons who have entered their territory pursuant to programme of labour recruitment or under immigration schemes.

Note: The Conference decided to delete the paragraph between square brackets.

Self-employment

(See Article 18 of the 1951 Convention)

The Contracting States shall accord to a stateless person lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

Liberal professions

(See Article 19 of the 1951 Convention)

Each Contracting State shall accord to stateless persons lawfully staying in their territory who hold diplomas recognized by the competent authorities of that State, and who are desirous of practising a liberal profession, treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances .

[2. The Contracting States shall use their best endeavours consistently with their laws and constitutions to secure the settlement of such refugees in the territories, other than the metropolitan territory, for whose international relations they are responsible.]*

Note: The Conference did not include the paragraph between square brackets. The draft protocol did not provide for the application of this paragraph to stateless persons, and there was no proposal the Conference to include it.

Rationing

(See Article 20 of the 1951 Convention)

Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, stateless persons shall be accorded the same treatment as nationals.

Housing

(See Article 21 of the 1951 Convention)

As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to stateless persons lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

Public education

(See Article 22 of the 1951 Convention)

1. The Contracting States shall accord to stateless persons the same treatment as is accorded to nationals with respect to elementary education.
2. The Contracting States shall accord to stateless persons treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education, and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

Public relief

(See Article 23 of the 1951 Convention)

The Contracting States shall accord to stateless persons lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

Labour legislation and social security

(See Article 24 of the 1951 Convention)

1. The Contracting States shall accord to stateless persons lawfully staying in their territory the same treatment as is accorded to nationals in respect of the following matters:

(a) In so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities: remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining;

(b) Social security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

(i) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;

(ii) National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension.

2. The right to compensation for the death of a stateless person resulting from employment injury or from occupational disease shall not be affected by the fact that the residence of the beneficiary is outside the territory of the Contracting State.

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3. The Contracting States shall extend to stateless persons the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.

4. The Contracting States will give sympathetic consideration to extending to stateless persons so far as possible the benefits of similar agreements which may at any time be in force between such Contracting States and non-contracting States.

Administrative assistance

(See Article 25 of the 1951 Convention)

1. When the exercise of a right by a stateless person would normally require the assistance of authorities of a foreign country to whom he cannot have recourse, the Contracting States in whose territory he is residing shall arrange that such

assistance be afforded to him by their own authorities or by an international authority.

2. The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered under their supervision to stateless persons such documents or certifications as would normally be delivered to aliens by or through their national authorities.

3. Documents or certifications so delivered shall stand in the stead of the official instruments delivered to aliens by or through their national authorities, and shall be given credence in the absence of proof to the contrary.

4. Subject to such exceptional treatment as may be granted to indigent persons, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services.

5. The provisions of this article shall be without prejudice to articles 27 and 28.

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Freedom of movement

(See Article 26 of the 1951 Convention)

Each Contracting State shall accord to stateless persons lawfully in its territory the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.

Identity Papers

(See Article 27 of the 1951 Convention)

The Contracting States shall issue identity papers to any stateless person in their territory who does not possess a valid travel document.

Travel documents

(See Article 28 of the 1951 Convention)

1. The Contracting States shall issue to stateless persons lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require [and the provisions for the Schedule to this Convention shall apply with respect to such documents.]* The Contracting States may issue such a travel document to any other stateless person in their territory; they shall in particular give sympathetic consideration to the issue of such a travel document to stateless persons in their territory who are unable to obtain a travel document from the country of their lawful residence.

[2. Travel documents issued to refugees under previous international agreements by Parties thereto shall be recognized and treated by the Contracting States in the

same way as if they had been issued pursuant to this article.]*

Note: The Conference decided to delete the two passages indicated between square brackets.

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Fiscal charges

(See Article 29 of the 1951 Convention)

1. The Contracting States shall not impose upon stateless persons duties, charges or taxes, of any description whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.
2. Nothing in the above paragraph shall prevent the application to stateless persons of the laws and regulations concerning charges in respect of the issue to aliens of administrative documents including identity papers.

Transfer of assets

(See Article 30 of the 1951 Convention)

1. A Contracting State shall, in conformity with its laws and regulations, permit stateless persons to transfer assets which they have brought into its territory, to another country where they have been admitted for the purposes of resettlement.
2. A Contracting State shall give sympathetic consideration to the application of stateless persons for permission to transfer assets wherever they may be and which are necessary for their resettlement in another country to which they have been admitted.

Note: The Conference has not yet completed its consideration of Articles 32 and 33 of the 1951 Convention.

Naturalization

(see Article 34 of the Convention)

The Contracting States shall as far as possible facilitate the assimilation and naturalization of stateless persons. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

Information on national legislation
(See Article 36 of the 1951 Convention)

The contracting States shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of this Convention.

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.11/Add.1 21 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

At its tenth meeting on 20 September 1954 the Conference adopted in first reading Article 32 of the 1951 Convention for inclusion in a Protocol or Convention relating to the Status of Stateless Persons. It also decided not to include Article 33. The text of the article adopted is reproduced below:

Expulsion (See Article 32 of the 1951 Convention)

1. The Contracting States shall not expel a stateless person lawfully in their territory save on grounds of national security or public order.
2. The expulsion of such a stateless person shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the stateless person shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.
3. The Contracting States shall allow such a stateless person a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.11/Add.2 21 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

Articles adopted by the Conference in first reading, for inclusion in a
Protocol or Convention relating to the Status of Stateless Persons.

The Conference at its 10th and 11th meetings adopted the following article on the definition of a “stateless person”:

1. For the purpose of this Protocol (Convention) the term “stateless person” means a person who is not considered as a national by any State under the operation of its law.
2. Nothing in this Protocol (Convention) shall be construed to mean that its provisions cannot be made applicable to any person living outside his own country who, for reasons recognized as valid by the State in which he is a resident, has renounced the protection of the State of which he is, or was, a national.
3. This Protocol (Convention) shall not apply to stateless persons coming within the terms of Sections E or F of Article 1 of the Convention relating to the Status of Refugees of 1951.

Note: The Conference at its 11th meeting postponed its decision on whether or not to refer to Section D in paragraph 3 above.

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.11/Add.3 23 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

Text of the Schedule and Model Travel Document adopted in first reading by the Conference

1. The Conference adopted paragraphs 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 14 and 15 as recommended by its *Ad Hoc* Committee on the Question of the Travel Document for Stateless Persons without change. The text will be found in the *Ad Hoc* Committee Report E/CONF.17/L.15 paragraph 2.
2. The texts of paragraphs 5, 13 and 16 are reproduced below and the changes are underlined:

Paragraph 5

The document shall have a validity of not less than three months and not more than two years.

Paragraph 13

1. A travel document issued in accordance with Article - of this Convention shall, unless it is specifically stated to the contrary, guarantee the right of the holder to re-enter the territory of the issuing State at any time during the period of its validity. In any case the period during which the stateless person may return to the country issuing the document shall never be less than three months, except in special cases, when the country to which the stateless person proposes to travel does not insist on the travel documents including the right to re-admission.

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2. Subject to the provisions of the preceding sub-paragraph, a Contracting State may require the holder of the document to comply with such formalities as may be prescribed in regard to exit from or return to its territory.

Paragraph 16

The issue of the document does not in any way entitle the holder to the protection of the diplomatic or consular authorities of the country of issue, and does not *ipso facto* confer on these authorities a right of protection.

L.12 – Belgium: Proposed New Article

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.12 20 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO STATUS OF
STATELESS PERSONS

Belgium: Proposed new article

Any stateless person may be subjected, under the same conditions as nationals, to the obligations of military service in the country in which he is lawfully staying.

The Contracting States shall see to it, however, that a stateless person who has discharged such obligations in the territory of any State should not be subjected to further obligations of that kind in their own territories.

L.13 – Belgium: Proposed New Article

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.13 20 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

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REVISION OF THE DRAFT PROTOCOL RELATING TO STATUS OF
STATELESS PERSONS

Belgium: Proposed new article

Each Contracting State shall be entitled to ensure the protection of both the
property and the person of stateless persons domiciled or resident in its territory.

**L.14 - Denmark: Working Paper concerning the Article on Signature,
Ratification and Accession**

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.14 20 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

Denmark: Working Paper concerning the Article on Signature, Ratification and
Accession

Article

Signature, Ratification and Accession

Alternative A

1. This Convention shall be open for signature at the Headquarters of the United Nations from [Footnote 1] September 1954 to 31 December 1955.
[Footnote 1: Here to insert date of opening for signature]
2. It shall be open for signature on behalf of all States Members of the United Nations, and also on behalf of any other State invited to attend the Conference of Plenipotentiaries on the Status of Stateless Persons or to which an invitation to sign or to accede may be addressed by the General Assembly of the United Nations.
3. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. It shall be open from [Footnote 2] September 1954 for accession by the States referred to in paragraph 2 of this article. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
[Footnote 2: Here to insert date of following day]

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Alternative B

1. This Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.
2. It shall be open for accession by all States Members of the United Nations, and also by all other States invited to attend the Conference of Plenipotentiaries on the Status of Stateless Persons or to which an invitation to accede may be addressed by the General Assembly of the United Nations. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

**L.15 – Report of *Ad Hoc* Committee on the Question of the Travel Document
for Stateless Persons**

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.15 20 September 1954

**UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS**

Agenda item 5

**REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS**

**REPORT OF *AD HOC* COMMITTEE ON THE QUESTION OF THE TRAVEL
DOCUMENT FOR STATELESS PERSONS**

Rapporteur: Mr. M.R. Jobez (France)

1. The Conference, at its ninth meeting on 17 September 1954, appointed an *ad hoc* committee composed of the President of the Conference, and of the representatives of Belgium, Brazil, France, the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland, and Yugoslavia, to present proposals concerning the question of the travel document (schedule to the Convention).
2. The committee held one meeting on 20 September 1954.
3. The committee elected Mr. Jobez (France) rapporteur.
4. The committee submits the following text for the consideration of the Conference.
5. For the convenience of the Conference, the numbering of the paragraphs contained in the schedule to the 1951 Convention has been retained in this report for the time being.

E/CONF.17/L.15 Page 2

SCHEDULE

Paragraph 1

1. The travel document referred to in Article [28] of this Convention shall indicate that the holder is a stateless person under the terms of the Convention of _
September 1954.
2. The document shall be made out in at least two languages, one of which shall be English or French.

3. The Contracting States will consider the desirability of adopting the model travel document annexed hereto.

Paragraph 2

Subject to the regulations obtaining in the country of issue, children may be included in the travel document of a parent or, in exceptional circumstances, of another adult.

Paragraph 3

The fees charged for issue of the document shall not exceed the lowest scale of charges for national passports.

Paragraph 4

Save in special or exceptional cases, the document shall be made valid for the largest possible number of countries.

Paragraph 5

OMITTED

Paragraph 6

1. The renewal or extension of the validity of the document is a matter for the authority which issued it, so long as the holder has not established lawful residence in another territory and resides lawfully in the territory of the said authority. The issue of a new document is, under the same conditions, a matter for the authority which issued the former document.

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2. Diplomatic or consular authorities may be authorized to extend, for a period not exceeding six months, the validity of travel documents issued by their Governments.

3. The Contracting States shall give sympathetic consideration to renewing or extending the validity of travel documents or issuing new documents to stateless no longer lawfully resident in their territory who are unable to obtain a travel document from the country of their lawful residence.

Paragraph 7

The Contracting States shall recognize the validity of the documents issued in accordance with the provisions of article [28] of this Convention.

Paragraph 8

The competent authorities of the country to which the stateless person desires to proceed shall, if they are prepared to admit him and if a visa is required, affix a visa

on the document of which he is the holder.

Paragraph 9

1. The Contracting States undertake to issue transit visas to stateless persons who have obtained visas for a territory of final destination.
2. The issue of such visas may be refused on grounds which would justify refusal of a visa to any alien.

Paragraph 10

The fees for the issue of exit, entry or transit visas shall not exceed the lowest scale of charges for visas on foreign passports.

Paragraph 11

When a stateless person has lawfully taken up residence in the territory of another Contracting State, the responsibility for the issue of a new document, under the terms and conditions of article [28] shall be that of the competent authority of that territory, to which the stateless person shall be entitled to apply.

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Paragraph 12

The authority issuing a new document shall withdraw the old document and shall return it to the country of issue if it is stated in the document that it should be so returned; otherwise it shall withdraw and cancel the document.

Paragraph 13

1. A travel document issued in accordance with Article [28] of this Convention shall, unless it is specifically stated to the contrary, guarantee the right of the holder to re-enter the territory of the issuing State at any time during the period of its validity.
2. Subject to the provisions of the preceding sub-paragraph, a Contracting State may require the holder of the document to comply with such formalities as may be prescribed in regard to exit from or return to its territory.
3. OMITTED

Paragraph 14

Subject only to the terms of paragraph [13], the provisions of this Schedule in no way affect the laws and regulations governing the conditions of admission to, transit through, residence and establishment in, and departure from, the territories of the Contracting States.

Paragraph 15

Neither the issue of the document nor the entries made thereon determine or affect the status of the holder, particularly as regards nationality.

Paragraph 16

The issue of the document does not in any way entitle the holder to the protection of the diplomatic or consular authorities of the country of issue, and does not confer on these authorities a right of protection.

E/CONF.17/L.15 Annex Page 1

Specimen Travel Document

The document will be in booklet form (approximately 15 x 10 centimetres). It is recommended that it be so printed that any erasure or alteration by chemical or other means can be readily detected, and that the words "Convention of __ September 1954" be printed in continuous repetition on each page, in the language of the issuing country.

(Cover of booklet)

TRAVEL DOCUMENT
(Convention of __ September 1954)

No. _____

(1)

TRAVEL DOCUMENT
(Convention of __ September 1954)

This document expires on _____ unless its validity is extended or renewed.

Name _____

Forename(s) _____

Accompanied by _____ child (children).

1. This document is issued solely with a view to providing the holder with a travel document which can serve in lieu of a national passport. It is without prejudice to and in no way affects the holder's nationality.

2. The holder is authorized to return to _____ [state here the country whose authorities are issuing the document] on or before _____ unless some later date is hereafter specified.

E/CONF.17/L.15 Annex Page 2

3. Should the holder take up residence in a country other than that which issued the present document, he must, if he wishes to travel again, apply to the competent authorities of his country of residence for a new document. [The old travel document shall be withdrawn by the authority issuing the new document and returned to the authority which issued it.]

(This document contains _____ pages, exclusive of cover.)

Note: pages 2 to 32 of the specimen travel document do not require any changes and therefore are not reproduced.

L.16 – Netherlands: Amendment to the article on the territorial application clause (Article 40 of the Convention relating to the Status of Refugees of 1951)

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.16 21 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

Final Clauses

Netherlands: Amendment to the article on the territorial application clause (Article 40 of the Convention relating to the Status of Refugees of 1951)

Add as an additional paragraph to be inserted between the present paragraphs 1 and 2 of Article 40:

The provisions of this Convention shall be applied in such territories with due regard, however, to local requirements.

L.17 – France: Proposed New Article

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.17 21 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

France: proposed new article

Article ____ :

Variant A:

A Contracting State may refuse to accord to a foreign national resident in its territory who loses his nationality any benefits provided for under this Convention which he did not enjoy before becoming stateless.

Variant B:

Nothing in this Convention shall be interpreted as obliging a Contracting State to accord to a foreign national resident in its territory who loses his nationality any benefits provided for under this Convention which he did not enjoy before becoming stateless.

L.18 – United Kingdom of Great Britain and Northern Ireland: Amendment to paragraph 13 of draft Schedule prepared by the *Ad Hoc* Committee on the Question of the Travel Document for Stateless Persons (E/CONF.17/L.15)

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.18 21 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
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United Kingdom of Great Britain and Northern Ireland: Amendment to paragraph 13 of draft Schedule prepared by the *Ad Hoc* Committee on the Question of the Travel Document for Stateless Persons (E/CONF.17/L.15)

Add to paragraph 1 the following:

“In any case the period during which the stateless person may return to the country issuing the document shall never be less than three months, except in special cases, when the country to which the stateless person proposes to travel does not insist on the travel document including the right to re-admission.”

L.19 - Denmark: Proposal for the Preamble to be included in a Convention relating to the Status of Stateless Persons

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.19 21 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

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REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

Denmark: Proposal for the Preamble to be included in a Convention relating to the Status of Stateless Persons

THE HIGH CONTRACTING PARTIES

CONSIDERING that the Charter of the United Nations and the Universal Declaration of Human Rights approved on 10 December 1948 by the General Assembly have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination,

CONSIDERING that the United Nations has, on various occasions, manifested its profound concern for stateless persons,

HAVE AGREED AS FOLLOWS:

**L.20 – United Kingdom of Great Britain and Northern Ireland and the
Federal Republic of Germany: Proposal for a new paragraph 5**

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.20 21 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

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REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
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Schedule

United Kingdom of Great Britain and Northern Ireland and the Federal Republic of
Germany: Proposal for a new paragraph 5

The travel document should normally be valid for one or two years or at least for a
period of time sufficient for the purposes of the stateless persons intending to travel.

L.21 – United Kingdom of Great Britain and Northern Ireland: Amendments to paragraph 2 of the definition adopted by the Conference at its 11th meeting (E/CONF.17/ L.11/Add.2)

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.21 21 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

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REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

United Kingdom of Great Britain and Northern Ireland: Amendments to paragraph 2 of the definition adopted by the Conference at its 11th meeting (E/CONF.17/ L.11/Add.2)

1. Substitute the following for the present paragraph 2:
“Nothing in this Convention shall prevent any State from applying the provisions thereof to any person residing in its territory who, for reasons recognized as valid by that State has renounced the protection of the State of which he is, or was, a national.”
2. Add to paragraph 2 or to the above sentence the following:
“or who has been refused protection and assistance by the State of which he is a national.”
3. Add the following sentence to paragraph 2:
“This Convention shall not, however, be applied to any person in the above category(ies) to whom the Convention of July 1951 relating to the Status of Refugees is being applied.”

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.21/Rev.1 22 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS

United Kingdom of Great Britain and Northern Ireland: Revised amendments to paragraph 2 of the definition adopted by the Conference at its 11th meeting (E/CONF.17/L.11/Add.2)

1. Substitute the following for the present paragraph 2:

“Nothing in this Convention shall be construed as preventing a State from applying the provisions of this Convention to any person who is resident outside the State of which he is a national and [has been deprived by that State of its protection or] has, for reasons recognized as valid by the State in which he is resident, renounced the protection of the State of which he is a national.”

2. Add the following sentence to paragraph 2:

“This Convention shall not, however, normally be applied to persons covered by the present paragraph to whom the Convention of July 1951 relating to the Status of Refugees is being applied.”

L.22 – Revised Text of Articles as Proposed by the Style Committee

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.22 22 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

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REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS

REVISED TEXT OF ARTICLES AS PROPOSED BY THE STYLE COMMITTEE

NOTE: In the present paper, the text of those Articles in which the Style Committee, at its first meeting held on 21 September 1954 at 9 p.m., decided to recommend extensive changes, is reproduced. The text of the whole draft Convention proposed by the Style Committee will be circulated separately to the Conference in document E/CONF.17/L.24 and Add.1.

ARTICLE 1

Definition of the Term “Stateless Person”

1. For the purpose of this Convention, the term “stateless person” means a person who is not considered as a national by any State under the operation of its law.
2. Nothing in this Convention shall prevent any State from applying the provisions thereof to any person residing in its territory who, for reasons recognized as valid by that State has renounced the protection of the State of which he is a national.
3. This Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

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4. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:
 - (a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
 - (b) he has committed a serious non-political crime outside the country of his residence prior to admission to that country;

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

NOTE: The Conference at its eleventh meeting postponed its decision on whether or not to include in Article 1 of the Convention Section D of Article 1 of the 1951 Convention. The Style Committee does not, therefore, propose a text corresponding to Section D of Article 1 of the 1951 Convention at this stage.

Article 35

Signature, Ratification and Accession*

1. This Convention shall be open for signature at the Headquarters of the United Nations until 31 December 1955.
2. It shall be open for signature on behalf of:
 - (a) any State Member of the United Nations;
 - (b) any other State invited to attend the Conference of Plenipotentiaries on the Status of Stateless Persons; and
 - (c) any State to which an invitation to sign or to accede may be addressed by the General Assembly of the United Nations.
3. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. It shall be open for accession by the States referred to in paragraph 2 of this Article. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

* Corresponds to Article 39 of the 1951 Convention and is based on Danish alternative A in document E/CONF.L17/L.14.

L.23 – Revision of the Draft Protocol relating to the Status of Stateless Persons

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.23 22 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

Preamble

Proposal by the Members of the Style Committee

The HIGH CONTRACTING PARTIES,

CONSIDERING that the Charter of the United Nations and the Universal Declaration of Human Rights approved on 10 December 1948 by the General Assembly have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination,

CONSIDERING that the United Nations has, on various occasions, manifested its profound concern for stateless persons and endeavoured to assure stateless persons the widest possible exercise of these fundamental rights and freedoms,

CONSIDERING that it is desirable to regulate and improve the status of stateless persons by an international agreement,

HAVE AGREED as follows:

L.24 – Report of the Style Committee

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.24 22 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS

Report of the Style Committee

1. The Conference at its 12th meeting appointed a Style Committee composed of the President of the Conference and the representatives of Belgium, France, Guatemala and the United Kingdom of Great Britain and Northern Ireland.
2. The Committee held two meetings on 21 and 22 September 1954.
3. The texts of the articles of the Convention are reproduced below incorporating the changes proposed by the Style Committee.

Preamble

Note: The Conference has not yet considered the Preamble in first reading. The members of the Style Committee, however, have proposed a text which has been issued in document E/CONF.17/L.23.

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CHAPTER 1

GENERAL PROVISIONS

Article 1

Definition of the term “stateless person”

Note: The text of this article as proposed by the Style Committee has been circulated in document E/CONF.17/L.22.

Article 2

General obligations

Every stateless person has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to

measures taken for the maintenance of public order.

Article 3

Non-discrimination

The Contracting States shall apply the provisions of this Convention to stateless persons without discrimination as to race, religion or country of origin.

Article 4

Religion

The Contracting States shall accord to stateless persons within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practice their religion and freedom as regards the religious education of their children.

Article 5

Rights Granted Apart from this Convention

Nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to stateless persons apart from this Convention.

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Article 6

The term “in the same circumstances”

For the purpose of this Convention, the term “in the same circumstances” implies that any requirements (including requirements as to length and conditions of sojourn or residence) which the particular individual would have to fulfil for the enjoyment of the right in question, if he were not a stateless person, must be fulfilled by him, with the exception of requirements which by their nature a stateless person is incapable of fulfilling.

Article 7

Exemption from reciprocity

1. Except where this Convention contains more favourable provisions, a Contracting State shall accord to stateless persons the same treatment as is accorded to aliens generally.
2. After a period of three years' residence, all stateless persons shall enjoy exemption from legislative reciprocity in the territory of the Contracting States.
3. Each Contracting State shall continue to accord to stateless persons the rights and benefits to which they were already entitled, in the absence of reciprocity, at the date of entry into force of this Convention for that State.
4. The Contracting States shall consider favourably the possibility of according to stateless persons, in the absence of reciprocity, rights and benefits beyond those to which they are entitled according to paragraphs 2 and 3, and to extending exemption from reciprocity to stateless persons who do not fulfil the conditions

provided for in paragraphs 2 and 3.

5. The provisions of paragraphs 2 and 3 apply both to the rights and benefits referred to in Articles 13, 18, 19, 21 and 22 of this Convention and to rights and benefits for which this Convention does not provide.

Article 8

Exemption from exceptional measures

With regard to exceptional measures which may be taken against the person, property or interests of nationals or former nationals of a foreign State, the

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Contracting States shall not apply such measures to a stateless person solely on account of his having previously possessed the nationality of the foreign State in question. Contracting States which, under their legislation, are prevented from applying the general principle expressed in this article shall, in appropriate cases, grant exemptions in favour of such stateless persons.

Article 9

Provisional measures

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State that that person is in fact a stateless person and that the continuance of such measures is necessary in his case in the interests of national security.

Article 10

Continuity of residence

1. Where a stateless person has been forcibly displaced during the Second World War and removed to the territory of a Contracting State, and is resident there, the period of such enforced sojourn shall be considered to have been lawful residence within that territory.

2. Where a stateless person has been forcibly displaced during the Second World War from the territory of a Contracting State and has, prior to the date of entry into force of this Convention, returned there for the purpose of taking up residence, the period of residence before and after such enforced displacement shall be regarded as one uninterrupted period for any purposes for which uninterrupted residence is required.

Article 11

Stateless seamen

In the case of stateless persons regularly serving as crew members on board a ship flying the flag of a Contracting State, that State shall give sympathetic consideration to their establishment on its territory and the issue of travel documents to them for their temporary admission to its territory particularly with a view to facilitating their establishment in another country.

CHAPTER II

JURIDICAL STATUS

Article 12

Personal status

1. The personal status of a stateless person shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.
2. Rights previously acquired by a stateless person and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State subject to compliance, if this be necessary, with the formalities required by the law of that State provided that the right in question is one which would have been recognized by the law of that State had he not become stateless.

Article 13

Movable and immovable property

The Contracting States shall accord to a stateless person treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

Article 14

Artistic rights and industrial property

In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic and scientific works, a stateless person shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that country. In the territory of any other Contracting State, he shall be accorded the same protection as is accorded in that territory to nationals of the country in which he has his habitual residence.

Article 15

Right of association

As regards non-political and non-profit-making associations and trade unions the Contracting States shall accord to stateless persons lawfully staying in their territory treatment as favourable as possible, and in any event, not less favourable than that accorded to foreigners in general in the same circumstances.

Article 16

Access to Courts

1. A stateless person shall have free access to the courts of law on the territory of all Contracting States.
2. A stateless person shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the Courts, including legal assistance and exemption from *cautio judicatum solvi*.
3. A stateless person shall be accorded in the matters referred to in paragraph 2 in countries other than that in which he has his habitual residence the treatment granted to a national of the country of his habitual residence.

CHAPTER III

GAINFUL EMPLOYMENT

Article 17

Wage-earning Employment

1. The Contracting States shall accord to stateless persons lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to foreigners in general in the same circumstances as regards the right to engage in wage-earning employment.
2. The Contracting States shall give sympathetic consideration to assimilating the rights of all stateless persons with regard to wage-earning employment to those of nationals, and in particular of those stateless persons who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.

Article 18

Self-employment

The Contracting States shall accord to a stateless person lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and

to establish commercial and industrial companies.

Article 19

Liberal Professions

Each Contracting State shall accord to stateless persons lawfully staying in their territory who hold diplomas recognized by the competent authorities of that State, and who are desirous of practising a liberal profession, treatment as favourable as possible, and, in any event not less favourable than that to aliens generally in the same circumstances.

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CHAPTER IV WELFARE

Article 20

Rationing

Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, stateless persons shall be accorded the same treatment as nationals.

Article 21

Housing

As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to stateless persons lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

Article 22

Public education

1. The Contracting States shall accord to stateless persons the same treatment as is accorded to nationals with respect to elementary education.
2. The Contracting States shall accord to stateless persons treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education, and in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

Article 23

Public relief

The Contracting States shall accord to stateless persons lawfully staying in their

territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

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Article 24

Labour legislation and social security

1. The Contracting States shall accord to stateless persons lawfully staying in territory the same treatment as is accorded to nationals in respect of the following matters:

(a) In so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities: remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining;

(b) Social security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

(i) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;

(ii) National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension.

2. The right to compensation for the death of a stateless person resulting from employment injury or from occupational disease shall not be affected by the fact that the residence of the beneficiary is outside the territory of the Contracting State.

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3. Contracting States shall extend to stateless persons the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.

4. Contracting States will give sympathetic consideration to extending to stateless persons so far as possible the benefits of similar agreements which may at any time be in force between such Contracting States and non-contracting States.

CHAPTER V ADMINISTRATIVE MEASURES

Article 25

Administrative assistance

1. When the exercise of a right by a stateless person would normally require the assistance of authorities of a foreign country to whom he cannot have recourse, the Contracting States in whose territory he is residing shall arrange that such assistance be afforded to him by their own authorities.
2. The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered under their supervision to stateless persons such documents or certifications as would normally be delivered to aliens by or through their national authorities.
3. Documents or certifications so delivered shall stand in the stead of the official instruments delivered to aliens by or through their national authorities, and shall be given credence in the absence of proof to the contrary.
4. Subject to such exceptional treatment as may be granted to indigent persons, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services.
5. The provisions of this article shall be without prejudice to articles 27 and 28.

Article 26

Freedom of movement

Each Contracting State shall accord to stateless persons lawfully in its territory the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.

Article 27

Identity papers

The contracting States shall issue identity papers to any stateless person in their territory who does not possess a valid travel document.

Article 28

Travel documents

The Contracting States shall issue to stateless persons lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require and the provisions for the Schedule to this Convention shall apply with respect to such

documents. The Contracting States may issue such a travel document to any other stateless person in their territory; they shall in particular give sympathetic consideration to the issue of such a travel document to stateless persons in their territory who are unable to obtain a travel document from the country of their lawful residence.

Article 29

Fiscal charges

1. The Contracting States shall not impose upon stateless persons duties, charges or taxes, of any description whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.
2. Nothing in the above paragraph shall prevent the application to stateless persons of the laws and regulations concerning charges in respect of the issue to aliens of administrative documents including identity papers.

Article 30

Transfer of assets

1. A Contracting State shall, in conformity with its laws and regulations, permit stateless persons to transfer assets which they have brought into its territory, to another country where they have been admitted for the purposes of resettlement.
2. A Contracting State shall give sympathetic consideration to the application of stateless persons for permission to transfer assets which are necessary for their resettlement in another to which they have been admitted.

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Article 31

Expulsion

1. The Contracting States shall not expel a stateless person lawfully in their territory save on grounds of national security or public order.
2. The expulsion of such a stateless person shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the stateless person shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.
3. The Contracting States shall allow such a stateless person a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.

Article 32

Naturalization

The Contracting States shall as far as possible facilitate the assimilation and naturalization of stateless persons. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

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CHAPTER VI FINAL CLAUSES

Article 33

Information on national legislation

The Contracting States shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of this Convention.

Article 34

Settlement of disputes

Any dispute between parties to this Convention relating to its interpretation or application, which cannot be settled by other means, shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

Article 35

Signature, ratification and accession

1. This Convention shall be open for signature at the Headquarters of the United Nations until 31 December 1955.
2. It shall be open for signature on behalf of:
 - (a) any State Member of the United Nations;
 - (b) any other State invited to attend the Conference of Plenipotentiaries on the Status of Stateless Persons; and
 - (c) any State to which an invitation to sign or to accede may be addressed by the General Assembly of the United Nations.
3. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. It shall be open for accession by the States referred to in paragraph 2 of this article. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

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Article 36

Territorial application clause

1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.
2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.
3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

Article 37

Federal clause

In the case of a Federal or non-unitary State, the following provisions shall apply:

- (a) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of Parties which are not Federal States;
- (b) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the Federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of states, provinces or cantons at the earliest possible moment.

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- (c) A Federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention showing the extent to which effect has been given to that provision by legislative or other action.

Note: The Conference has not yet completed its consideration in its first reading of articles 38 to 42 of the Final Clauses of the Convention. The Style Committee has, however, gone through the text of these articles from the point of view of drafting and has made certain changes which have been incorporated in the texts

reproduced below.

Article 38

Reservations

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1, 3, 4, 16(1), 33 to 42, inclusive.
2. Any State making a reservation in accordance with paragraph 1 of this article may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

Article 39

Entry into force

1. This Convention shall come into force on the ninetieth day following the day of deposit of the sixth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the sixth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day following the date of deposit by such State of its instrument of ratification or accession.

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Article 40

Denunciation

1. Any Contracting State may denounce this Convention at any time by a notification addressed to the Secretary-General of the United Nations.
2. Such denunciation shall take effect for the Contracting State concerned one year from the date upon which it is received by the Secretary-General of the United Nations.
3. Any State which has made a declaration or notification under article 36 may, at any time thereafter, by a notification to the Secretary-General of the United Nations, declare that the Convention shall cease to extend to such territory one year after the date of receipt of the notification by the Secretary-General.

Article 41

Revision

1. Any Contracting State may request revision of this Convention at any time by a notification addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall recommend the steps, if any, to be taken in respect of such request.

Article 42

Notifications by the Secretary-General of the United Nations

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-Member States referred to in article 35:

- (a) Of signatures, ratifications and accessions in accordance with article 35;
- (b) Of declarations and notifications in accordance with article 36;
- (c) Of reservations and withdrawals in accordance with article 38;
- (d) Of the date on which this Convention will come into force in accordance with article 39;

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- (e) Of denunciations and notifications in accordance with article 40;
- (f) Of requests for revision in accordance with article 41.

IN FAITH WHEREOF the undersigned, duly authorized, have signed this Convention on behalf of their respective Governments.

DONE at New York, this _____ day of September, one thousand nine hundred and fifty-four, in a single copy, of which the English, French and Spanish texts are equally authentic and which shall remain deposited in the archives of the United Nations, and certified true copies of which shall be delivered to all Members of the United Nations and to the non-Member States referred to in article 35.

Note: The text of the Schedule and the Model Travel Document with the changes proposed by the Style Committee will be issued as Addendum 1 to this document.

L24/Add.1 – Report of the Style Committee (ctd)

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.24/Add.1 22 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

Report of the Style Committee (continued)

SCHEDULE

Paragraph 1

1. The travel document referred to in article 28 of this Convention shall indicate that the holder is a stateless person under the terms of the Convention of __ September 1954.
2. The document shall be made out in at least two languages, one of which shall be English or French.
3. The Contracting States will consider the desirability of adopting the model travel document attached hereto.

Paragraph 2

Subject to the regulations obtaining in the country of issue, children may be included in the travel document of a parent or, in exceptional circumstances, of another adult.

Paragraph 3

The fees charged for issue of the document shall not exceed the lowest scale of charges for national passports.

Paragraph 4

Save in special or exceptional cases, the document shall be made valid for the largest possible number of countries.

Paragraph 5

The document shall have a validity of not less than three months and not more than two years.

Paragraph 6

1. The renewal or extension of the validity of the document is a matter for the authority which issued it, so long as the holder has not established lawful residence in another territory and resides lawfully in the territory

of the said authority. The issue of a new document is, under the same conditions, a matter for the authority which issued the former document.

2. Diplomatic or consular authorities may be authorized to extend, for a period not exceeding six months, the validity of travel documents issued by their Governments.

3. The Contracting States shall give sympathetic consideration to renewing or extending the validity of travel documents or issuing new documents to stateless persons no longer lawfully resident in their territory who are unable to obtain a travel document from the country of their lawful residence.

Paragraph 7

The Contracting States shall recognize the validity of the documents issued in accordance with the provisions of article 28 of this Convention.

Paragraph 8

The competent authorities of the country to which the stateless person desires to proceed shall, if they are prepared to admit him and if a visa is required, affix a visa on the document of which he is the holder.

Paragraph 9

1. The Contracting States undertake to issue transit visas to stateless persons who have obtained visas for a territory of final destination.
2. The issue of such visas may be refused on grounds which would justify refusal of a visa to any alien.

Paragraph 10

The fees for the issue of exit, entry or transit visas shall not exceed the lowest scale of charges for visas on foreign passports.

Paragraph 11

When a stateless person has lawfully taken up residence in the territory of another Contracting State, the responsibility for the issue of a new document, under the terms and conditions of article 28 shall be that of the competent authority of that territory, to which the stateless person shall be entitled to apply.

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Paragraph 12

The authority issuing a new document shall withdraw the old document and shall return it to the country of issue if it is stated in the document that it should be so returned; otherwise it shall withdraw and cancel the document.

Paragraph 13

1. A travel document issued in accordance with article 28 of this Convention shall, unless it contains a statement to the contrary, entitle the holder to re-enter the territory of the issuing State at any time during the period of its validity. In any case the period during which the holder may return to the country issuing the document shall not be less than three months, except when the country to which the

stateless person proposes to travel does not insist on the travel document according the right of re-entry.

2. Subject to the provisions of the preceding sub-paragraph, a Contracting State may require the holder of the document to comply with such formalities as may be prescribed in regard to exit from or return to its territory.

Paragraph 14

Subject only to the terms of paragraph 13, the provisions of this Schedule in no way affect the laws and regulations governing the conditions of admission to, transit through, residence and establishment in, and departure from, the territories of the Contracting States.

Paragraph 15

Neither the issue of the document nor the entries made thereon determine or affect the status of the holder, particularly as regards nationality.

Paragraph 16

The issue of the document does not in any way entitle the holder to the protection of the diplomatic or consular authorities of the country of issue, and does not *ipso facto* confer on these authorities a right of protection.

E/CONF.17/L.24/Add.1 Page 5

Model Travel Document

It is recommended that the document be in booklet form (approximately 15 x 10 centimetres), that it be so printed that any erasure or alteration by chemical or other means can readily detected, and that the words "Convention of __ September 1954" be printed in continuous repetition on each page, in the language of the issuing country.

(Cover of booklet)

TRAVEL DOCUMENT

(Convention of __ September 1954)

No. _____

(1)

Travel Document

(Convention of __ September 1954)

This document expires on _____ unless its validity is extended or renewed.

Name _____

Forename(s) _____

Accompanied by _____ child (children).

1. This document is issued solely with a view to providing the holder with a travel document which can serve in lieu of a national passport. It is without prejudice to and in no way affects the holder's nationality.

2. The holder is authorized to return to _____ [state here the country whose authorities are issuing the document] on or before _____ unless some later date is hereafter specified. [The period during which the holder is allowed to return must not be less than three months except when the country to which the holder proposes to travel does not insist on the right of re-entry.]

(over)

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3. Should the holder take up residence in a country other than that which issued the present document, he must, if he wishes to travel again, apply to the competent authorities of his country of residence for a new document. [The old travel document shall be withdrawn by the authority issuing the new document and returned to the authority which issued it.]

(This document contains _____ pages, exclusive of cover.)

Note: Pages 2 to 32 of the specimen travel document do not require any changes and therefore are not reproduced.

L24/Add.2 Report of the Style Committee (ctd)

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.24/Add.2 22 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

Report of the Style Committee (continued)

Preamble

THE HIGH CONTRACTING PARTIES,

CONSIDERING that the Charter of the United Nations and the Universal Declaration of Human Rights approved on 10 December 1948 by the General Assembly of the United Nations have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination,

CONSIDERING that the United Nations has, on various occasions, manifested its profound concern for stateless persons and endeavoured to assure stateless persons the widest possible exercise of these fundamental rights and freedoms,

CONSIDERING that the Convention relating to the Status of Refugees of 28 July 1951 is applicable only to the refugees defined in that Convention whether stateless or not,

CONSIDERING that it is desirable to regulate and improve the status of stateless persons by an international agreement,

HAVE AGREED as follows:

L25 – Denmark: Proposal for a recommendation to be included in the Final Act of the Conference

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.25 23 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

Denmark: Proposal for a recommendation to be included in the Final Act of the Conference

The Conference,

Recommends that each Contracting State, when it recognizes as valid the reasons for which a person has renounced the protection of the State of which he is a national, consider sympathetically the possibility of according to that person the treatment which the Convention accords to stateless persons; and

Recommends especially that, in cases where the State in whose territory the person resides has decided to accord the treatment referred to above, equivalent treatment be accorded to that person by any other Contracting State.

**L26 – Draft Final Act of the United Nations Conference on the Status of
Stateless Persons**

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.26 23 September 1954

**UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS**

Agenda item 5

**REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS**

**DRAFT FINAL ACT OF THE UNITED NATIONS CONFERENCE ON THE
STATUS OF STATELESS PERSONS**

Held at the Headquarters of the United Nations, New York, from 13 to
September 1954

1.* The Economic and Social Council, on 26 April 1954 at its seventeenth session, by resolution 526 A (XVII) decided that a second conference of plenipotentiaries should be convened to revise in the light of the provisions of the Convention Relating to the Status of Refugees of 28 July 1951 and of the observations made by governments on the draft Protocol relating to the Status of Stateless Persons prepared by an *Ad Hoc* Committee of the Economic and Social Council in 1950, and to open the instrument for signature.

2. The Conference met at the Headquarters of the United Nations in New York from 13 to September 1954.

3. The Governments of the following twenty-seven States were represented by delegates all of whom submitted satisfactory credentials or other communications of appointment authorizing them to participate in the Conference:

Australia	Israel
Belgium	Liechtenstein
Brazil	Monaco
Cambodia	Netherlands
Colombia	Norway
Costa Rica	Philippines
Denmark	Sweden
Ecuador	Switzerland
El Salvador	Turkey

France	United Kingdom of Great Britain and Northern Ireland
Federal Republic of Germany	
Guatemala	Vatican City
Honduras	Yemen
Iran	Yugoslavia

* The numbers of the paragraphs will be deleted in the final text.

E/CONF.17/L.26 Page 2

4. The Governments of the following five States were represented by observers: Argentina, Egypt, Greece, Indonesia, Japan.

5. A representative of the United Nations High Commissioner for Refugees participated, without the right to vote, in the deliberations of the Conference.

6. The Conference decided to invite interested specialized agencies to participate in the proceedings without the right to vote. The International Labour Organisation was accordingly represented.

7. The Conference also decided to permit representatives of non-governmental organizations which have been granted consultative status by the Economic and Social Council as well as of those entered by the Secretary-General on the Register the right to submit written or oral statements to the Conference.

Representatives of the following non-governmental organizations were present as observers:

Category A

International Confederation of Free Trade Unions
International Federation of Christian Trade Unions

Category B

Agudas Israel
Commission of the Churches on International Affairs
Consultative Council of Jewish Organizations
Friends' World Committee for Consultation
International League for the Rights of Man
World Jewish Congress

Organizations on the Register

Lutheran World Federation

8. The Conference elected Mr. Knud Larsen of Denmark as President and Mr. A. Herment of Belgium, and Mr. Jayme de Barros Gomes of Brazil as Vice-Presidents.

9. The Conference adopted as its agenda the Provisional Agenda drawn up by the Secretary-General (E/CONF.17/2). It also adopted the Provisional Rules of Procedure drawn up by the Secretary-General (E/CONF.17/2) excepting rule 5, which it decided to delete (E/CONF.17/2/Add.1). At its 12th meeting the Conference decided to amend rule 7 (E/CONF.17/2/Add.2).

E/CONF.17/L.26 Page 3

10. The Conference appointed (i) a Drafting Committee on the Definition of the Term "Stateless Person", which was composed of the President of the Conference and the representatives of Australia, Belgium, Brazil, the Federal Republic of Germany, France, Israel and the United Kingdom of Great Britain and Northern Ireland; (ii) an *Ad Hoc* Committee on the Question of the Travel Document for Stateless Persons composed of the President of the Conference and the representatives of Belgium, Brazil, France, the Federal Republic of Germany, the United Kingdom and Yugoslavia; and (iii) a Style Committee composed of the President of the Conference and the representatives of Belgium, France, Guatemala and the United Kingdom.

11. The Conference used as the basis of its discussions the Draft Protocol Relating to the Status of Stateless Persons prepared by the *Ad Hoc* Committee of the Economic and Social Council on Refugees and Stateless Persons at its second session held in Geneva in 1950 and the provisions of the Convention Relating to the Status of Refugees adopted by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons held at Geneva from 2 to 25 July 1951. The main working document for the Conference was the memorandum by the Secretary-General, document E/CONF.17/3.

12. The Conference decided to prepare an independent convention dealing with the status of stateless persons rather than a protocol to the 1951 Convention Relating to the Status of Refugees.

13. The Convention was adopted on __ September 1954 by __ votes to __ with __ abstentions, and opened for signature at the Headquarters of the United Nations.

14. The English, French and Spanish texts of the Convention, which are equally authentic, are appended to this Final Act.

(to be continued)

L27 – Sweden: Draft Recommendation for Inclusion in the Final Act of the Conference

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.27 23 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

Sweden: Draft recommendation for inclusion in the Final Act of the Conference

The Conference,

Being of the opinion that Article 33 of the Convention relating to the Status of Refugees of 1951 is an expression of a general rule in international law that no Contracting State shall expel or return a person in any matter whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion,

Has not found it necessary to include in the Convention relating to the Status of Stateless Persons an article equivalent to Article 33 of the Convention relating to the Status of Refugees of 1951.

L28: France: Amendment to the Preamble Proposed by the Members of the Style Committee

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.28 23 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS

Agenda item 5

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS

France: Amendment to the Preamble proposed by the members of the Style
Committee (E/CONF.17/L.23)

Insert before the last paragraph of the Preamble (E/CONF.17/L.23):

“CONSIDERING that the Convention relating to the Status of Refugees of 28 July 1951 applies only to the refugees defined in that Convention;”.

**L29: Text of Article 1 Adopted by the Conference in its First Reading at its
15th Meeting on 23 September 1954**

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
E/CONF.17/L.29 23 September 1954

**UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS
OF STATELESS PERSONS**

Agenda item 5

**REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF
STATELESS PERSONS**

Text of Article 1 adopted by the Conference in first reading at its 15th meeting on
23 September 1954

Definition of the Term “Stateless Person”

1. For the purpose of this Convention, the term “stateless person” means a person who is not considered as a national by any State under the operations of its law.
2. This Convention shall not apply:
 - (i) to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance so long as they are receiving such protection or assistance.
 - (ii) to persons who are recognized by the competent authorities of the country in which they have taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.
 - (iii) to any person with respect to whom there are serious reasons for considering that:
 - (a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provisions in respect of such crimes;
 - (b) he has committed a serious non-political crime outside the country of his residence prior to his admission to that country;
 - (c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

NGO1: Statement submitted by the World Jewish Congress, a non-governmental organization in Category B consultative status

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

Agenda item 5

E/CONF.17/NGO.1 20 September 1954

REVISION OF THE DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS

Statement submitted by the World Jewish Congress, a non-governmental organization in Category B consultative status

The Secretary-General has received the following statement, which is circulated in accordance with the decision of the Conference at its first meeting that non-governmental organizations should have the right to submit written and oral statements in accordance with paragraphs 28, 29 and 30 of resolution 288 B (X) of the Economic and Social Council:

The World Jewish Congress, representing Jewish communities and organizations in over sixty countries, has been concerned with the status of stateless persons since its inception. In its capacity as a consultative non-governmental organization, the World Jewish Congress has submitted several written communications to United Nations bodies on this subject. Representatives of the World Jewish Congress have also made on appropriate occasions oral statements before such United Nations bodies regarding this problem. We refer also to a memorandum submitted on April 6, 1954 to the Economic and Social Council which has been distributed as document E/C.2/385.

E/CONF.17/NGO.1 Page 2

The World Jewish Congress wishes to emphasize particularly the following points:

(1) The *Ad Hoc* Committee on Refugees and Stateless Persons proposed to apply the provisions of the Convention *mutatis mutandis* to stateless persons non-refugees. It is submitted that the use of the expression *mutatis mutandis* is hardly precise enough to create a firm basis for a legal system for stateless persons non-refugees because it may frequently appear doubtful how far the assimilation of such persons

to refugees goes and where the differentiation begins.

(2) As pointed out in Document E/CONF.17/3, the existing text of the Draft Protocol refers to the draft of the Convention as adopted in the second session of the *Ad Hoc* Committee on Refugees and Stateless Persons. The diplomatic conference of 1951 added certain provisions and renumbered others. As a result, the articles suggested in the Draft Protocol to be applicable to stateless persons are not identical with the articles of the Convention and the Draft Protocol does not contain any reference to the “new” provisions. Furthermore, the draft Convention contained provisions which in the view of the World Jewish Congress should have been made applicable to stateless persons non-refugees as well. Thus the number of articles of the Convention to be applicable to stateless persons non-refugees ought to increase and their numbering changed.

In particular, the World Jewish Congress desires to suggest the following additions to the proposals contained in the Draft Protocol:

(a) The practice of the last war has shown that stateless persons who were former citizens of an enemy country were not infrequently subjected to exceptional measures taken against the nationals of such countries. To avoid such action, it would be necessary to have the present Articles 8 and 9 apply also to stateless persons non-refugees.

(b) Many stateless persons have resided in a given country decades. There appears hardly any justification for not granting them the privileges contained in Article 17, paragraphs 2 and 3 of the Convention.

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(c) The provision of Article 33 of the Convention should also be made applicable to stateless persons non-refugees, at least in those cases where they have repudiated the present regime of their former country. In such instances their expulsion to their territory of their former citizenship would jeopardize their freedom or life.

(d) There is no reason why Articles 4 and 11 of the Convention should not be made applicable to stateless persons non-refugees; they are, in regard to the exercise of religion and of the profession of seaman, in exactly the same position as refugees.

Part IV: Final Act of the United Nations Conference on the Status of Stateless Persons

Done at New York, on 28 September 1954
Convention relating to the Status of Stateless Persons.
360 United Nations Treaty Series 117 (1960)

Final Act Page 2

1. The Economic and Social Council, on 26 April 1954 at its seventeenth session, by resolution 526 A (XVII) decided that a second conference of plenipotentiaries should be convened to revise in the light of the provisions of the Convention Relating to the Status of Refugees of 28 July 1951 and of the observations made by Governments the draft Protocol relating to the Status of Stateless Persons prepared by an *Ad Hoc* Committee of the Economic and Social Council in 1950 and to open the instrument for signature.

The Conference met at the Headquarters of the United Nations in New York from 13 to 23 September 1954.

The Governments of the following twenty-seven States were represented by delegates all of whom submitted satisfactory credentials or other communications of appointment authorizing them to participate in the Conference:

Australia	Federal Republic of Germany	Norway
Belgium		Philippines
Brazil	Guatemala	Sweden
Cambodia	Holy See	Switzerland
Colombia	Honduras	Turkey
Costa Rica	Iran	United Kingdom of Great Britain and Northern Ireland
Denmark	Israel	
Ecuador	Liechtenstein	
El Salvador	Monaco	Yemen
France	Netherlands	Yugoslavia

The Governments of the following five States were represented by observers:
Argentina, Egypt, Greece, Indonesia, Japan.

A representative of the United Nations High Commissioner for Refugees participated, without the right to vote, in the deliberations of the Conference.

The Conference decided to invite interested specialized agencies to participate in the proceedings without the right to vote. The International Labour Organisation was accordingly represented.

The Conference also decided to permit representatives of non-governmental organizations which have been granted consultative status by the Economic and Social Council as well as those entered by the Secretary-General on the Register to submit written or oral statements to the Conference.

Representatives of the following non-governmental organizations were present as observers:

Category A

International Confederation of Free Trade Unions
International Federation of Christian Trade Unions

Category B

Agudas Israel
Commission of the Churches on International Affairs
Consultative Council of Jewish Organizations
Friends' World Committee for Consultation
International Conference of Catholic Charities
International League for the Rights of Man
World Jewish Congress
World's Alliance of Young Men's Christian Associations

Organizations on the Register

Lutheran World Federation

The Conference elected Mr. Knud Larsen of Denmark as President and Mr. A. Herment of Belgium, and Mr. Jayme de Barros Gomes of Brazil as Vice-Presidents.

The Conference adopted as its agenda the Provisional Agenda drawn up by the Secretary-General (E/CONF.17/2) excepting rule 5, which it decided to delete (E/CONF.17/2/Add.1). At its 12th meeting the Conference decided to amend rule 7 (E/CONF.17/2/Add.2).

The Conference appointed (i) a Drafting Committee on the Definition of the Term “Stateless Person”, which was composed of the President of the Conference and the representatives of Australia, Belgium, Brazil, the Federal Republic of Germany, France, Israel and the United Kingdom of Great Britain and Northern Ireland; (ii) an *Ad Hoc* Committee on the Question of the Travel Document for Stateless Persons composed of the President of the Conference and the representatives of Belgium, Brazil, France, the Federal Republic of Germany, the United Kingdom and Yugoslavia; and (iii) a Style Committee composed of the President of the Conference and the representatives of Belgium, France, Guatemala and the United Kingdom.

The Conference used as the basis of its discussions the Draft Protocol Relating to the Status of Stateless Persons prepared by the *Ad Hoc* Committee of the Economic and Social Council on Refugees and Stateless Persons at its second session held in Geneva in 1950 and the provisions of the Convention Relating to the Status of Refugees adopted by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons held at Geneva from 2 to 25 July 1951. The main working document for the Conference was a memorandum by the Secretary-General, document E/CONF.17/3.

The Conference decided by 12 votes to none with 3 abstentions, to prepare an independent convention dealing with the status of stateless persons rather than a protocol to the 1951 Convention Relating to the Status of Refugees.

The Convention was adopted on 23 September 1954 by 19 votes to none with 2 abstentions, and opened for signature at the Headquarters of the United Nations.

The English, French and Spanish texts of the Convention, which are equally authentic, are appended to this Final Act.

2. The Conference unanimously decided that the titles of the chapters and of the articles of the Convention are included for practical purposes and do not constitute an element of interpretation.

3. The Conference adopted the following recommendation by 16 votes to 1 with 4 abstentions:

“The Conference,

“Recommends that each Contracting State, when it recognizes as valid the reasons for which a person has renounced the protection of the State of

which he is a national, consider sympathetically the possibility of according to that person the treatment which the Convention accords to stateless persons; and

“Recommends further that, in cases where the State in whose territory the person resides has decided to accord the treatment referred to above, other Contracting States also accord him the treatment provided for by the Convention.”

4. The Conference unanimously adopted the following resolution:

“The Conference,

“Being of the opinion that Article 33 of the Convention Relating to the Status of Refugees of 1951 is an expression of the generally accepted principle that no State should expel or return a person in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion,

“Has not found it necessary to include in the Convention Relating to the Status of Stateless Persons an article equivalent to Article 33 of the Convention Relating to the Status of Refugees of 1951.”

IN WITNESS WHEREOF the President, the Vice-Presidents and the Executive Secretary of the Conference have signed this Final Act.

DONE at New York this twenty-eighth day of September one thousand nine hundred and fifty-four in a single copy in the English, French and Spanish languages, each text being equally authentic. Translations of this Final Act into Chinese and Russian will be prepared by the Secretary-General of the United Nations, who will, on request, send copies thereof to each of the Governments invited to attend the Conference.

CONVENTION RELATING TO THE STATUS OF STATELESS PERSONS. DONE AT NEW YORK, ON 28 SEPTEMBER 1954

PREAMBLE

The High Contracting Parties,

Considering that the Charter of the United Nations and the Universal Declaration of Human Rights approved on 10 December 1948 by the General Assembly of the United Nations have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination,

Considering that the United Nations has, on various occasions, manifested its profound concern for stateless persons and endeavoured to assure stateless persons the widest possible exercise of these fundamental rights and freedoms,

Considering that only those stateless persons who are also refugees are covered by the Convention relating to the Status of Refugees of 28 July 1951, and that there are many stateless persons who are not covered by that Convention,

Considering that it is desirable to regulate and improve the status of stateless persons by an international agreement,

Have agreed as follows:

CHAPTER I. GENERAL PROVISIONS

Article 1

Definition of the term "Stateless Person"

1. For the purpose of this Convention, the term "stateless person" means a person who is not considered as a national by any State under the operation of its law.
2. This Convention shall not apply:
 - (i) To persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance so long as they are receiving such protection or assistance;
 - (ii) To persons who are recognized by the competent authorities of the country in which they have taken residence as having the rights and obligations which are attached to the possession of the nationality of that country;

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- (iii) To persons with respect to whom there are serious reasons for considering that:
 - (a) They have committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provisions in respect of such crimes;
 - (b) They have committed a serious non-political crime outside the country of their residence prior to their admission to that country;
 - (c) They have been guilty of acts contrary to the purposes and principles of the United Nations.

Article 2

General obligations

Every stateless person has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.

Article 3

Non-discrimination

The Contracting States shall apply the provisions of this Convention to stateless persons without discrimination as to race, religion or country of origin.

Article 4

Religion

The Contracting States shall accord to stateless persons within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practise their religion and freedom as regards the religious education of their children.

Article 5

Rights granted apart from this convention

Nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to stateless persons apart from this Convention.

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Article 6

The term “in the same circumstances”

For the purpose of this Convention, the term “in the same circumstances” implies that any requirements (including requirements as to length and conditions of sojourn or residence) which the particular individual would have to fulfil for the enjoyment of the right in question, if he were not a stateless person, must be fulfilled by him, with the exception of requirements which by their nature a stateless person is incapable of fulfilling.

Article 7

Exemption from reciprocity

1. Except where this Convention contains more favourable provisions, a Contracting State shall accord to stateless persons the same treatment as is accorded to aliens generally.
2. After a period of three years' residence, all stateless persons shall enjoy exemption from legislative reciprocity in the territory of the Contracting States.

3. Each Contracting State shall continue to accord to stateless persons the rights and benefits to which they were already entitled, in the absence of reciprocity, at the date of entry into force of this Convention for that State.

4. The Contracting States shall consider favourably the possibility of according to stateless persons, in the absence of reciprocity, rights and benefits beyond those to which they are entitled according to paragraphs 2 and 3, and to extending exemption from reciprocity to stateless persons who do not fulfil the conditions provided for in paragraphs 2 and 3.

5. The provisions of paragraphs 2 and 3 apply both to the rights and benefits referred to in articles 13, 18, 19, 21 and 22 of this Convention and to rights and benefits for which this Convention does not provide.

Article 8

Exemption from exceptional measures

With regard to exceptional measures which may be taken against the person, property or interests of nationals or former nationals of a foreign State, the Contracting States shall not apply such measures to a stateless person solely

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on account of his having previously possessed the nationality of the foreign State in question. Contracting States which, under their legislation, are prevented from applying the general principle expressed in this article shall, in appropriate cases, grant exemptions in favour of such stateless persons.

Article 9

Provisional measures

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State that that person is in fact a stateless person and that the continuance of such measures is necessary in his case in the interests of national security.

Article 10

Continuity of residence

1. Where a stateless person has been forcibly displaced during the Second World War and removed to the territory of a Contracting State, and is resident there, the period of such enforced sojourn shall be considered to have been lawful residence within that territory.

2. Where a stateless person has been forcibly displaced during the Second World War from the territory of a Contracting State and has, prior to the date of entry into force of this Convention, returned there for the purpose of taking up residence, the

period of residence before and after such enforced displacement shall be regarded as one uninterrupted period for any purposes for which uninterrupted residence is required.

Article 11

Stateless seamen

In the case of stateless persons regularly serving as crew members on board a ship flying the flag of a Contracting State, that State shall give sympathetic consideration to their establishment on its territory and the issue of travel documents to them or their temporary admission to its territory particularly with a view to facilitating their establishment in another country.

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CHAPTER II JURIDICAL STATUS

Article 12

Personal status

1. The personal status of a stateless person shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.
2. Rights previously acquired by a stateless person and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the formalities required by the law of that State, provided that the right in question is one which would have been recognized by the law of that State had he not become stateless.

Article 13

Movable and immovable property

The Contracting States shall accord to a stateless person treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

Article 14

Artistic rights and industrial property

In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic and scientific works, a stateless person shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that country. In the territory of any other Contracting State, he shall be accorded the same

protection as is accorded in that territory to nationals of the country in which he has his habitual residence.

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Article 15

Right of association

As regards non-political and non-profit-making associations and trade unions the Contracting States shall accord to stateless persons lawfully staying in their territory treatment as favourable as possible, and in any event, not less favourable than that accorded to aliens generally in the same circumstances.

Article 16

Access to courts

1. A stateless person shall have free access to the Courts of Law on the territory of all Contracting States.
2. A stateless person shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the Courts, including legal assistance and exemption from *cautio judicatum solvi*.
3. A stateless person shall be accorded in the matters referred to in paragraph 2 in countries other than that in which he has his habitual residence the treatment granted to a national of the country of his habitual residence.

CHAPTER III GAINFUL EMPLOYMENT

Article 17

Wage-earning employment

1. The Contracting States shall accord to stateless persons lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage in wage-earning employment.
2. The Contracting States shall give sympathetic consideration to assimilating the rights of all stateless persons with regard to wage-earning employment to those of nationals, and in particular of those stateless persons who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.

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Article 18

Self-employment

The Contracting States shall accord to a stateless person lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

Article 19

Liberal professions

Each Contracting State shall accord to stateless persons lawfully staying in their territory who hold diplomas recognized by the competent authorities of that State, and who are desirous of practising a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

CHAPTER IV WELFARE

Article 20

Rationing

Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, stateless persons shall be accorded the same treatment as nationals.

Article 21

Housing

As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to stateless persons lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

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Article 22

Public education

1. The Contracting States shall accord to stateless persons the same treatment as is accorded to nationals with respect to elementary education.
2. The Contracting States shall accord to stateless persons treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

Article 23

Public relief

The Contracting States shall accord to stateless persons lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

Article 24

Labour legislation and social security

1. The Contracting States shall accord to stateless persons lawfully staying in their territory the same treatment as is accorded to nationals in respect of the following matters:

(a) In so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities: remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining;

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(b) Social security (legal provisions in respect of employment, injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

(i) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;

(ii) National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension.

2. The right to compensation for the death of a stateless person resulting from employment injury or from occupational disease shall not be affected by the fact that the residence of the beneficiary is outside the territory of the Contracting State.

3. The Contracting States shall extend to stateless persons the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.

4. The Contracting States will give sympathetic consideration to extending to stateless persons so far as possible the benefits of similar agreements which may at any time be in force between such Contracting States and non-contracting States.

CHAPTER V. ADMINISTRATIVE MEASURES

Article 25

Administrative assistance

1. When the exercise of a right by a stateless person would normally require the assistance of authorities of a foreign country to whom he cannot have recourse, the Contracting State in whose territory he is residing shall arrange that such assistance be afforded to him by their own authorities.
2. The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered under their supervision to stateless persons such documents or certifications as would normally be delivered to aliens by or through their national authorities.
3. Documents or certifications so delivered shall stand in the stead of the official instruments delivered to aliens by or through their national authorities, and shall be given credence in the absence of proof to the contrary.
4. Subject to such exceptional treatment as may be granted to indigent persons, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services.
5. The provisions of this article shall be without prejudice to articles 27 and 28.

Article 26

Freedom of movement

Each Contracting State shall accord to stateless persons lawfully in its territory the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.

Article 27

Identity papers

The Contracting States shall issue identity papers to any stateless person in their territory who does not possess a valid travel document.

Article 28

Travel documents

The Contracting States shall issue to stateless persons lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require, and the provisions of the Schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such a travel document to any other stateless person in their territory; they shall in particular give sympathetic

consideration to the issue of such a travel document to stateless persons in their territory who are unable to obtain a travel document from the country of their lawful residence.

Article 29

Fiscal charges

1. The Contracting States shall not impose upon stateless persons duties, charges or taxes, of any description whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.
2. Nothing in the above paragraph shall prevent the application to stateless persons of the laws and regulations concerning charges in respect of the issue to aliens of administrative documents including identity papers.

Article 30

Transfer of assets

1. A Contracting State shall, in conformity with its laws and regulations, permit stateless persons to transfer assets which they have brought into its territory, to another country where they have been admitted for the purposes of resettlement.
2. A Contracting State shall give sympathetic consideration to the application of stateless persons for permission to transfer assets wherever they may be and which are necessary for their resettlement in another country to which they have been admitted.

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Article 31

Expulsion

1. The Contracting States shall not expel a stateless person lawfully in their territory save on grounds of national security or public order.
2. The expulsion of such a stateless person shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the stateless person shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.
3. The Contracting States shall allow such a stateless person a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.

Article 32

Naturalization

The Contracting States shall as far as possible facilitate the assimilation and naturalization of stateless persons. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

CHAPTER VI. FINAL CLAUSES

Article 33

Information on national legislation

The Contracting States shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of this Convention.

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Article 34

Settlement of disputes

Any dispute between parties to this Convention relating to its interpretation or application, which cannot be settled by other means, shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

Article 35

Signature, ratification and accession

1. This Convention shall be open for signature at the Headquarters of the United Nations until 31 December 1955.
2. It shall be open for signature on behalf of:
 - (a) Any State Member of the United Nations;
 - (b) Any other State invited to attend the United Nations Conference on the Status of Stateless Persons; and
 - (c) Any State to which an invitation to sign or to accede may be addressed by the General Assembly of the United Nations.
3. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. It shall be open for accession by the States referred to in paragraph 2 of this article. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 36

Territorial application clause

1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.

2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.

3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

Article 37

Federal clause

In the case of a Federal or non-unitary State, the following provisions shall apply:

(a) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of Parties which are not Federal States;

(b) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the Federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of states, provinces or cantons at the earliest possible moment.

(c) A Federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention showing the extent to which effect has been given to that provision by legislative or other action.

Article 38

Reservations

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1, 3, 4, 16(1) and 33 to 42 inclusive.

2. Any State making a reservation in accordance with paragraph 1 of this article may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

Article 39

Entry into force

1. This Convention shall come into force on the ninetieth day following the day of deposit of the sixth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the sixth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day following the date of deposit by such State of its instrument of ratification or accession.

Article 40

Denunciation

1. Any Contracting State may denounce this Convention at any time by a notification addressed to the Secretary-General of the United Nations.
2. Such denunciation shall take effect for the Contracting State concerned one year from the date upon which it is received by the Secretary-General of the United Nations.
3. Any State which has made a declaration or notification under article 36 may, at any time thereafter, by a notification to the Secretary-General of the United Nations, declare that the Convention shall cease to extend to such territory one year after the date of receipt of the notification by the Secretary-General.

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Article 41

Revision

1. Any Contracting State may request revision of this Convention at any time by a notification addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall recommend the steps, if any, to be taken in respect of such request.

Article 42

Notifications by the Secretary-General of the United Nations

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-Member States referred to in article 35:

- (a) Of signatures, ratifications and accessions in accordance with article 35;
- (b) Of declarations and notifications in accordance with article 36;
- (c) Of reservations and withdrawals in accordance with article 38;
- (d) Of the date on which this Convention will come into force in accordance with article 39;
- (e) Of denunciations and notifications in accordance with article 40;
- (f) Of requests for revision in accordance with article 41.

IN FAITH WHEREOF the undersigned, duly authorized, have signed this Convention on behalf of their respective Governments.

DONE at New York, this twenty-eighth day of September, one thousand nine hundred and fifty-four, in a single copy, of which the English, French and Spanish texts are equally authentic and which shall remain deposited in the archives of the United Nations, and certified true copies of which shall be delivered to all Members of the United Nations and to the non-Member States referred to in article 35.

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SCHEDULE

Paragraph 1

1. The travel document referred to in article 28 of this Convention shall indicate that the holder is a stateless person under the terms of the Convention of 28 September 1954.
2. The document shall be made out in at least two languages, one of which shall be English or French.
3. The Contracting States will consider the desirability of adopting the model travel document attached hereto.

Paragraph 2

Subject to the regulations obtaining in the country of issue, children may be included in the travel document of a parent or, in exceptional circumstances, of another adult.

Paragraph 3

The fees charged for issue of the document shall not exceed the lowest scale of charges for national passports.

Paragraph 4

Save in special or exceptional cases, the document shall be made valid for the largest possible number of countries.

Paragraph 5

The document shall have a validity of not less than three months and not more than two years.

Paragraph 6

1. The renewal or extension of the validity of the document is a matter for the authority which issued it, so long as the holder has not established lawful residence in another territory and resides lawfully in the territory of the said authority. The

issue of a new document is, under the same conditions, a matter for the authority which issued the former document.

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2. Diplomatic or consular authorities may be authorized to extend, for a period not exceeding six months, the validity of travel documents issued by their Governments.

3. The Contracting States shall give sympathetic consideration to renewing or extending the validity of travel documents or issuing new documents to stateless persons no longer lawfully resident in their territory who are unable to obtain a travel document from the country of their lawful residence.

Paragraph 7

The Contracting States shall recognize the validity of the documents issued in accordance with the provisions of article 28 of this Convention.

Paragraph 8

The competent authorities of the country to which the stateless person desires to proceed shall, if they are prepared to admit him and if a visa is required, affix a visa on the document of which he is the holder.

Paragraph 9

1. The Contracting States undertake to issue transit visas to stateless persons who have obtained visas for a territory of final destination.

2. The issue of such visas may be refused on grounds which would justify refusal of a visa to any alien.

Paragraph 10

The fees for the issue of exit, entry or transit visas shall not exceed the lowest scale of charges for visas on foreign passports.

Paragraph 11

When a stateless person has lawfully taken up residence in the territory of another Contracting State, the responsibility for the issue of a new document, under the terms and conditions of article 28 shall be that of the competent authority of that territory, to which the stateless person shall be entitled to apply.

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Paragraph 12

The authority issuing a new document shall withdraw the old document and shall return it to the country of issue if it is stated in the document that it should be so returned; otherwise it shall withdraw and cancel the document.

Paragraph 13

1. A travel document issued in accordance with article 28 of this Convention shall, unless it contains a statement to the contrary, entitle the holder to re-enter the territory of the issuing State at any time during the period of its validity. In any case the period during which the holder may return to the country issuing the document shall not be less than three months, except when the country to which the stateless person proposes to travel does not insist on the travel document according the right of re-entry.

2. Subject to the provisions of the preceding sub-paragraph, a Contracting State may require the holder of the document to comply with such formalities as may be prescribed in regard to exit from or return to its territory.

Paragraph 14

Subject only to the terms of paragraph 13, the provisions of this Schedule in no way affect the laws and regulations governing the conditions of admission to, transit through, residence and establishment in, and departure from, the territories of the Contracting States.

Paragraph 15

Neither the issue of the document nor the entries made thereon determine or affect the status of the holder, particularly as regards nationality.

Paragraph 16

The issue of the document does not in any way entitle the holder to the protection of the diplomatic or consular authorities of the country of issue, and does not *ipso facto* confer on these authorities a right of protection.

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MODEL TRAVEL DOCUMENT

It is recommended that the document be in booklet form (approximately 15 x 10 centimetres), that it be so printed that any erasure or alteration by chemical or other means can be readily detected, and that the words "Convention of 28 September 1954" be printed in continuous repetition on each page, in the language of the issuing country.

(COVER OF BOOKLET)
TRAVEL DOCUMENT

(Convention of 28 September 1954)

No.....

(1)

TRAVEL DOCUMENT

(Convention of 28 September 1954)

This document expires on unless its validity is extended or renewed.

Name

Forename(s)

Accompanied by child (children).

1. This document is issued solely with a view to providing the holder with a travel document which can serve in lieu of a national passport. It is without prejudice to and in no way affects the holder's nationality.

2. The holder is authorized to return to [state here the country whose authorities are issuing the document] on or before unless some later date is hereafter specified. [The period during which the holder is allowed to return must not be less than three months except when the country to which the holder proposes to travel does not insist on the travel document according the right of re-entry.]

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3. Should the holder take up residence in a country other than that which issued the present document, he must, if he wishes to travel again, apply to the competent authorities of his country of residence for a new document. [The old travel document shall be withdrawn by the authority issuing the new document and returned to the authority which issued it.] [Footnote 1: The sentence in brackets to be inserted by Governments which so desire.]

(This document contains 32 pages, exclusive of cover.)

(2)

Place and date of birth

Occupation.....

Present residence

*Maiden name and forename(s) of wife

*Name and forename(s) of husband

Description

Height

Hair

Colour of eyes

Nose
Shape of face
Complexion
Special peculiarities
[* Strike out whichever does not apply.]

Children accompanying holder

Name	Forename(s)	Place and date of birth	Sex
.....			
.....			
.....			
.....			

(This document contains 32 pages, exclusive of cover.)

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(3)

Photograph of holder and stamp of issuing authority

Finger-prints of holder (if required)

Signature of holder

(This document contains 32 pages, exclusive of cover.)

(4)

1. This document is valid for the following countries:

.....

2. Document or documents on the basis of which the present document is issued:

.....

Issued at.....

Date

Signature and stamp of authority issuing the document:

Fee paid:

(This document contains 32 pages, exclusive of cover.)

(5)

Extension or renewal of validity

Fee paid:

From

To .

Done at Date .

Signature and stamp of authority extending or renewing the validity of the document:

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Extension or renewal of validity

Fee paid:

From.....

To

Done at Date .

Signature and stamp of authority extending or renewing the validity of the document:

(This document contains 32 pages, exclusive of cover.)

(6)

Extension or renewal of validity

Fee paid:

From.....

To

Done at Date

Signature and stamp of authority extending or renewing the validity of the document:

(This document contains 32 pages, exclusive of cover.)

(7-32)

Visas

The name of the holder of the document must be repeated in each visa.

(This document contains 32 pages, exclusive of cover.)

Part V: Procedural Documents

Conference Provisional Agenda

United Nations Economic and Social Council
E/CONF.17/1 15 July 1954

United Nations Conference of Plenipotentiaries on the Status of Stateless Persons

Provisional Agenda

1. Inaugural address by the representative of the Secretary-General
2. Election of the President and Vice-Presidents
3. Adoption of the agenda
4. Adoption of the rules of procedure
5. Revision of the draft Protocol relating to the Status of Stateless Persons in the light of the provisions of the Convention relating to the Status of Refugees of 28 July 1951 and of the observations by the governments concerned (E/2373 and Adds. 1-14)
6. Adoption and Signature of the Protocol and of the Final Act of the Conference

United Nations Economic and Social Council
E/CONF.17/1/Rev.1 30 August 1954

United Nations Conference of Plenipotentiaries on the Status of Stateless Persons

Provisional Agenda

The Secretary-General has the honour to state that the United Nations Conference of Plenipotentiaries on the Status of Stateless Persons will open at Headquarters, New York, at 11 a.m., on Monday 13 September 1954, and to communicate herewith the provisional agenda.

1. Inaugural address by the Secretary-General
2. Election of the President and Vice-Presidents
3. Adoption of the agenda
4. Adoption of the rules of procedure
5. Revision of the draft Protocol relating to the Status of Stateless Persons in the light of provisions of the Convention relating to the Status of Refugees of 28 July 1951 and of the observations by the governments concerned (E/2373 and Adds. 1-14)
6. Adoption and Signature of the Protocol and of the Final Act of the Conference

Draft Rules of Procedure

United Nations Economic and Social Council
E/CONF.17/2 4 August 1954

United Nations Conference of Plenipotentiaries on the Status of Stateless Persons

DRAFT RULES OF PROCEDURE Prepared by the Secretary-General

1. REPRESENTATION AND CREDENTIALS

Rule 1

Each State participating in the Conference shall be represented by plenipotentiary representatives, one of whom shall be the head of the Delegation, and such alternate representatives and advisers as may be required.

Rule 2

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary, if possible, not later than twenty-four hours after the opening of the Conference. The credentials shall be issued either by the Head of the State or Government, or by the Minister for Foreign Affairs. The President and Vice-Presidents shall examine the credentials and report without delay to the Conference.

Rule 3

Pending the decision of the Conference upon their credentials, representatives, alternate representatives and advisers shall be entitled to Participate provisionally in the Conference.

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II. PRESIDENT AND VICE-PRESIDENTS

Rule 4

The Conference shall elect a President and two Vice-Presidents from among the heads of the delegations.

The President shall preside at the meetings of the Conference.

If the President is absent from a meeting or any part thereof, a Vice-President designated by him shall preside in his place.

Rule 5

The President, or Vice-President acting as President, shall participate in the proceedings of the Conference in that capacity. He shall not vote, but shall appoint another member of his delegation to vote in his place.

III. SECRETARIAT

Rule 6

The Executive Secretary of the Conference, appointed by the Secretary-General, shall provide and direct such staff as is required by the Conference. He shall be responsible for making all arrangements for the meetings of the Conference and generally perform all other work which the Conference may require. He may appoint a deputy to take his place at any meeting.

Rule 7

The Executive Secretary or his deputy may, subject to Rule 9, make oral as well as written statements concerning any question under consideration.

IV. CONDUCT OF BUSINESS

Rule 8

A quorum shall be constituted by the representatives of a majority of the States participating in the Conference.

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Rule 9

In addition to exercising the powers conferred upon him elsewhere by and in these rules, the President shall declare the opening and closing of each plenary meeting of the Conference. He shall direct the discussions at such meetings, accord the right to speak, put questions to the vote, announce decisions, rule on points of order, and, subject to these rules of procedure, shall have complete control of the proceedings at any meeting and over the maintenance of order thereat. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 10

The President, in the exercise of his functions, remains under the authority of the Conference.

Rule 11

During the discussion of any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative may appeal against any ruling of the President. The appeal shall be immediately put to the vote and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.

Rule 12

The Conference may limit the time to be allowed to each speaker and the number of times each representative may speak on any question. When the debate is limited and a representative has spoken his allotted time, the President shall call him to order without delay.

Rule 13

During the course of a debate the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. He may, however, accord the right of reply to any representative if a speech delivered after he has declared the list closed makes this desirable.

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During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The President may limit the time to be allowed to the speaker moving the suspension or adjournment of the meeting.

Rule 15

During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

Rule 16

A representative may at any time move the closure of the debate on the item under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to the speakers opposing the closure, after which the motion shall be immediately put to the vote. If the Conference is in favour of the closure, the President shall declare the closure of the debate. The President may limit the time to be allowed to speakers under this rule.

Rule 17

Subject to rule 11, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the item under discussion;
- (d) For the closure of the debate on the item under discussion.

Rule 18

Proposals and amendments shall normally be introduced in writing and handed to the Executive Secretary of the Conference, who shall circulate copies to the delegations. As a general rule no proposal shall be discussed or put to the vote

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at any meeting of the Conference unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of amendments or motions as to procedure even though these amendments or motions have not been circulated or have only been circulated the same day.

Rule 19

Subject to rule 17, any motion calling for a decision on the competence of the Conference to adopt a proposal submitted to it, shall be put to the vote before a vote is taken on the proposal in question.

Rule 20

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by any representative.

Rule 21

When a proposal has been adopted or rejected it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on the motion to reconsider shall be accorded only to two speakers opposing the motion after which it shall be immediately put to the vote

VOTING

Rule 22

Each Government represented at the Conference shall have one vote.

Rule 23

Decisions of the Conference shall be made by a majority of the representatives of States participating in the Conference present and voting.

For the purpose of these rules, the phrase “representatives present and voting” means representatives present and casting an affirmative or negative vote. Representatives who abstain from voting shall be considered as not voting.

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Rule 24

The Conference shall normally vote by show of hands but any representative may request a roll call. The roll call shall be taken in the English alphabetical order of the names of the States participating in the Conference beginning with the delegation whose name is drawn by lot by the President.

Rule 25

After the President has announced the beginning of the vote, no representative shall interrupt the vote except on a point of order in connexion with the actual conduct of voting. Explanations of their votes by representatives may, however, be permitted by the President either before or after the voting. The President may limit the time to be allowed for such explanation.

Rule 26

A representative may move that parts of a proposal or of an amendment shall be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Rule 27

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote. When, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter

amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Rule 28

If two or more proposals relate to the same question, the Conference shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 29

All elections shall be held by secret ballot unless otherwise decided by the Conference.

Rule 30

If, when one person or one delegation is to be elected, no candidate obtains in the first ballot the majority required, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

In the case of a tie in the first ballot among the candidates obtaining the second largest number of votes, a special ballot shall be held for the purpose of reducing the number of candidates to two. In the case of a tie among three or more candidates obtaining the largest number of votes, a second ballot shall be held; if a tie results among more than two candidates, the number shall be reduced to two by lot.

Rule 31

If a vote is equally divided upon matters other than elections, a second vote shall be taken at the next meeting. If this vote also results in equality, the proposal shall be regarded as rejected.

VI. LANGUAGES

Rule 32

Chinese, English, French, Russian and Spanish shall be the official languages of the Conference. English, French and Spanish shall be the working languages.

Rule 33

Speeches made in any of the working languages shall be interpreted into the other two working languages.

Rule 34

Speeches made in either of the other two official languages shall be interpreted into the three working languages.

Rule 35

Any representative may make a speech in a language other than the official languages. In this case he shall himself provide for interpretation into one of the working languages. Interpretation into the other working languages by the interpreters of the Secretariat may be based on the interpretation given in the first working language.

VII. RECORDS

Rule 36

Summary records of the plenary meetings of the Conference and of the meetings of its committees shall be kept by the Secretariat in the working languages. They shall be sent as soon as possible to all representatives who shall inform the Secretariat within three working days after the circulation of the summary record of any changes they wish to have made.

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VIII. PUBLIC AND PRIVATE MEETINGS

Rule 37

The plenary meetings of the Conference and the meetings of its committees shall be held in public unless the body concerned decides that exceptional circumstances require that a meeting be held in private.

Rule 38

As a general rule the meetings of sub-committees shall be held in private.

Rule 39

At the close of any private meeting a communique may be issued to the press

through the Executive Secretary.

IX. COMMITTEES, SUB-COMMITTEES AND WORKING PARTIES

Rule 40

The Conference may establish such committees, sub-committees and working parties as may be necessary for the performance of its function and define the terms of reference and composition of each committee.

Rule 41

Each committee and sub-committee shall elect its own officers.

Rule 42

So far as they are applicable, the rules of procedure of the Conference shall apply to the proceedings of the committees and sub-committees. A committee or a sub-committee may dispense with certain language interpretations.

X. Amendments

Rule 43

These rules of procedure may be amended by a decision of the Conference.

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

E/CONF.17/2/Add.1

13 September 1954

CONFERENCE OF PLENIPOTENTIARIES ON STATUS OF STATELESS
PERSONS

RULES OF PROCEDURE OF CONFERENCE

Note by the Secretary-General

At its first meeting on 13 September 1954 the Conference agreed to adopt as its rules of procedure the draft rules contained in E/CONF.17/2 with the deletion of Rule 5.

List of Delegates attending the Conference of Plenipotentiaries on the Status of Stateless Persons

United Nations Economic and Social Council
E/CONF.17/IMF.1 21 September 1954

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF STATELESS PERSONS

List of Delegates attending the Conference of Plenipotentiaries on the Status of Stateless Persons

Representatives:

Australia	Mr. A. H. Loomes*
Belgium	Mr. A. J. Herment
Brazil	Mr. Hayme de Barros Gomes* Alternate: Mr. Jose Osvaldo do Meira Penna*
Cambodia	Mr. Nong Kimny
Colombia	Mr. Missel Pastrana Borrero Alternate: Dr. Gustavo Gaviria*
Costa Rica	H.E. the Rev. Benjamin Nunez Alternate: Mr. Raul Trejos
Denmark	Mr. Knud Larsen
Ecuador	H.E. Dr. Jose V. Trujillo
El Salvador	H.E. Dr. Miguel Rafael Urquia* Alternate: Dr. Carlos Serrano-Garcia*
France	H.E. Mr. Henri Hoppenot* Alternates: Mr. P. Ordonneau* Mr. R. Jobez
Federal Republic of Germany	Mr. Heinz Voigt Alternate: Mr. Kurt Breull
Guatemala	Mr. Luis Aycinena Salazar
Honduras	H.E. Dr. Tiburcio Carias Jr.
Iran	Mr. M. Mir Fakhrai Alternate: Mr. A.R. Heravi

* Accompanied by wife.

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Representatives (continued):

Israel	Dr. Jacob Robinson*
Liechtenstein	Represented by Switzerland
	Mr. A.R. Lindt
	Alternate: Mr. Jean Schneeberger*
Monaco	Mr. Marcel Palmaro*
	Alternates: Mr. John Dube*
	Miss Josette Notari
Netherlands	Mr. H. Scheltema*
	Alternate: Mr. N. van Dijl*
Norway	Mr. Erik Dons*
Philippines	H.E. Mr. Felixberto M. Serrano*
	Alternate: Mr. Mauro Mendez*
Sweden	Prof. A.E.V. Holmback
Switzerland	Mr. A.R. Lindt
	Alternate: Mr. J.D. Grandjean
Turkey	Mr. N. Tuncel
United Kingdom	Mr. C.A.G. Meade*
	Alternates: Mr. H.P.L. Attlee
	Mr. Mervyn Brown*
Vatican City	Msgr. Thomas J. McMahon
	Alternate: Msgr. Aloysius J. Wycislo
Yemen	Mr. Ahmad Zabara
Yugoslavia	Mr. Franc Kos*
	Alternate: Mr. A. Bozovic*

Observers:

Argentina	Dr. Julio Cesar Carasales
Egypt	Mr. Abdel Megyd Ramadan
	Mr. A.H. Abdel-Ghani*
Greece	Mr. Dennis Carayannis*
Indonesia	Mr. B.A. Masfar*
Japan	Mr. H. Kilahara*
Office of the	Miss Aline Cohen
High Commissioner for	
Refugees	

* Accompanied by wife

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Specialized agencies:

International Labour Organization	Mr. R.A. Metall* Mr. G. Dunand*
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Secretariat:

Executive Secretary Of the Conference	Mr. J.P. Humphrey
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Deputy Director of The Division of Human Rights	Mr. Egon Schwelb
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Secretary of the Conference	Mrs. Margaret Bruce
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* Accompanied by wife

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Valid reasons to renounce protection								1(2)	included	
Time limitation							2(2)			
Protection or assistance of another UN agency			1(D)				2(1)			1(2)(i)
minority/rights and obligations	1(A)(1)	included	1(E)					1(3)	included	1(2)(ii)
International crimes	1(C)		1(F)(a)				2(1)	1(4)(a)	included	1(2)(iii)(a)
Serious crimes			1(F)(b)				2(1)	1(4)(b)	included	1(2)(iii)(b)
Crimes against purposes of UN			1(F)(c)				2(1)	1(4)(c)	included	1(2)(iii)(c)
General obligations	2	included	2	included	included	included	included	2	included	2
Non-discrimination	3	included	3	included	included	included	included	3	included	3
Religion			4	included	included	included	included	4	included	4
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Liberal professions	14	included	19	para. 1 included	included	included (para. 1 by reference to draft protocol, para. 2 by reference to 1951 Convention)	included	19	para. 1 of 1951 Convention art. 19 included	19
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