



Recommendation 87 (1955)¹

Statelessness

Parliamentary Assembly

The Assembly,

Having considered the report of the Committee on Legal and Administrative Questions appended hereto ;

Considering that a Conference on the status of stateless persons was convened by the United Nations and held in New York in September, 1954, for the purpose of preparing a Convention on " present " cases of statelessness ;

Having noted with satisfaction that this Conference led to the conclusion of a " Convention relating to the Status of Stateless Persons ", which was adopted on 28th September, 1954 and is open to signature by States at the Headquarters of the United Nations ;

Considering that this Convention has already been signed by certain Member States of the Council of Europe but not by all, and that it has not yet been ratified ;

Considering, moreover, that the General Assembly of the United Nations has adopted a Resolution [896 (IX)] for the convening of an " international conference of plenipotentiaries... to conclude a Convention for the reduction or elimination of future statelessness as soon as at least twenty States have communicated to the Secretary-General their willingness to co-operate in such a Conference " ;

Considering that only some of the Member States of the Council have agreed to the convening of the Conference mentioned above ;

Considering that it is of the greatest importance that the Convention relating to the Status of Stateless Persons should be signed and ratified without delay and that the international conference of plenipotentiaries should be held as soon as possible,

Recommends to the Committee of Ministers that they should invite the Governments of Member States of the Council of Europe :

1. to sign and ratify without delay the Convention relating to the Status of Stateless Persons adopted on 28th September, 1954 by the United Nations Conference held in New York ;
2. to agree as soon as possible, in conformity with [Resolution 896 \(IX\)](#) of the General Assembly of the United Nations, to the convening of the international conference of plenipotentiaries, with a view to the conclusion of a Convention for the reduction or elimination of future statelessness ;
3. to inform the Assembly at the beginning of its next Session of the measures taken by the Governments in this respect.

Report of the Committee on Legal and Administrative Questions

1. This Recommendation was adopted by the Assembly at its 24th Sitting, on 25th October, 1955 (see [Doc. 450](#), draft Recommendation of the Committee on Legal and Administrative Questions and Report submitted by M. Wahl, Rapporteur).



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1. In May, 1954, the Assembly decided to place on its agenda the question of " the possibility of concluding a European Convention on statelessness and multiple nationality " ([Doc. 236](#)), which was referred to your Committee on Legal and Administrative Questions for a report.
2. Your Committee has given careful consideration to the work done in this field under the auspices of the League of Nations and also, more recently, in the United Nations.
3. It is recalled that four international instruments were concluded within the framework of the League of Nations on the subject of statelessness and multiple nationality. These were : the Convention on certain questions relating to the conflict of nationality laws, the Protocol relating to a certain case of statelessness, the Protocol relating to military obligations in certain cases of dual nationality, and the Special Protocol concerning statelessness. All these instruments were signed at The Hague on 12th April, 1930, and came into force in 1937, with the exception of the last Protocol, which was not ratified by a sufficient number of States for it to come into force.
4. No ratification of these agreements has taken place since 1937. Moreover, your Committee took the view that the results obtained at The Hague were somewhat limited and in any case were not adequate to meet present-day conditions. For the same reasons the United Nations decided soon after the organisation was set up to examine this problem in detail. They studied more particularly the problem of statelessness, both present cases and cases that will arise in future. As regards multiple nationality, the competent body of the United Nations, the International Law Commission, met with obstacles which would, the Commission felt, be difficult to overcome, and accordingly, it was decided to postpone consideration of this question.
5. In view of the work already done in the United Nations, and being anxious to avoid duplication, your Committee has decided to refrain for the time being at any rate, from dealing with the problem of statelessness, but it is following closely all activities in this field. The work of the United Nations has taken a more concrete form in recent months. A " United Nations Conference on the status of stateless persons " was held in New York in September 1954, and prepared a draft Convention relating to the status of stateless persons which was adopted on 28th September, 1954 and is now open to signature by States at the Headquarters of the United Nations. The Convention deals with present cases of statelessness, and by reproducing almost in its entirety the Convention on the status of refugees of 25th July, 1951 (which is already in force and has been ratified by the majority of Member States of the Council of Europe) extends to a new category of persons the benefits hitherto granted only to refugees. This is strictly fair, since in practice the position of these persons is often similar to that of refugees, and is sometimes brought about by the same circumstances.
6. The Convention relating to the Status of Stateless Persons has so far been signed by the following 21 countries : Belgium, Brazil, Colombia, Costa Rica, Denmark, Ecuador, France, Federal Republic of Germany, Guatemala, Honduras, Israel, Italy, Liechtenstein, Netherlands, Norway, Philippines, Salvador, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, and the Vatican City (Member States of the Council are printed in italics). No State, however, has so far ratified this Convention.
7. As regards future statelessness, the International Law Commission of the United Nations has prepared two alternative draft Conventions, one of which, rather ambitiously perhaps, aims at the complete elimination of statelessness in the future, while the other, more modest, aims only at reducing the number of cases of future statelessness. Both drafts have been submitted to the General Assembly of the United Nations which, on the proposal of its Sixth Committee, has decided to convene an international conference of plenipotentiaries to conclude a Convention as soon as at least 20 States have communicated to the Secretary-General of the United Nations their willingness to take part in such a conference. The following thirteen States have so far agreed to do so : Belgium, Denmark, France, Federal Republic of Germany, Israel, Lebanon, Monaco, Netherlands, Salvador, Spain, Sweden, Switzerland and Yugoslavia (Member States of the Council of Europe are printed in italics).
8. Thus, it appears that further progress has been made, and your Committee considers that the United Nations should be supported and encouraged in this task, which has not only a legal but also social and humanitarian aspects. Your Committee feels that it is most important for the Convention relating to the Status of Stateless Persons, of 28th September, 1954, to be signed and ratified without delay, and for the international conference of plenipotentiaries to be held as soon as possible.
9. This Report was considered by the Committee on Legal and Administrative Questions on 22nd October, 1955. It was adopted unanimously.