

4. CONVENTION ON THE REDUCTION OF STATELESSNESS

New York, 30 August 1961

ENTRY INTO FORCE: 13 December 1975, in accordance with article 18.
REGISTRATION: 13 December 1975, No. 14458.
STATUS: Signatories: 5. Parties: 37.
TEXT: United Nations, *Treaty Series*, vol. 989, p. 175.

Note: The Convention was adopted and opened for signature by the United Nations Conference on the Elimination or Reduction of Future Statelessness, convened by the Secretary-General of the United Nations pursuant to General Assembly resolution 896 (IX)¹ of 4 December 1954. The Conference met at the European Office of the United Nations at Geneva from 24 March to 18 April 1959 and reconvened at the Headquarters of the United Nations at New York from 15 to 28 August 1961.

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>
Albania.....		9 Jul 2003 a	Kiribati.....		29 Nov 1983 d
Armenia.....		18 May 1994 a	Latvia.....		14 Apr 1992 a
Australia.....		13 Dec 1973 a	Lesotho.....		24 Sep 2004 a
Austria.....		22 Sep 1972 a	Liberia.....		22 Sep 2004 a
Azerbaijan.....		16 Aug 1996 a	Libyan Arab Jamahiriya.....		16 May 1989 a
Bolivia.....		6 Oct 1983 a	Liechtenstein.....		25 Sep 2009 a
Bosnia and Herzegovina.....		13 Dec 1996 a	Netherlands ⁵	30 Aug 1961	13 May 1985
Brazil ²		25 Oct 2007 a	New Zealand ⁶		20 Sep 2006 a
Canada.....		17 Jul 1978 a	Niger.....		17 Jun 1985 a
Chad.....		12 Aug 1999 a	Norway.....		11 Aug 1971 a
Costa Rica.....		2 Nov 1977 a	Romania.....		27 Jan 2006 a
Czech Republic.....		19 Dec 2001 a	Rwanda.....		4 Oct 2006 a
Denmark.....		11 Jul 1977 a	Senegal.....		21 Sep 2005 a
Dominican Republic.....	5 Dec 1961		Slovakia.....		3 Apr 2000 a
Finland.....		7 Aug 2008 a	Swaziland.....		16 Nov 1999 a
France.....	31 May 1962		Sweden.....		19 Feb 1969 a
Germany ^{3,4}		31 Aug 1977 a	Tunisia.....		12 May 2000 a
Guatemala.....		19 Jul 2001 a	United Kingdom of Great Britain and Northern Ireland ⁷	30 Aug 1961	29 Mar 1966
Hungary.....		12 May 2009 a	Uruguay.....		21 Sep 2001 a
Ireland.....		18 Jan 1973 a			
Israel.....	30 Aug 1961				

Declarations and Reservations

(Unless otherwise indicated, the declarations and reservations were made upon ratification, accession or succession.)

AUSTRIA

Declarations concerning article 8, paragraph 3 (a), (i) and (ii):

"Austria declares to retain the right to deprive a person of his nationality, if such person enters, on his own free will, the military service of a foreign State.

"Austria declares to retain the right to deprive a person of his nationality, if such person being in the service of a

foreign State, conducts himself in a manner seriously prejudicial to the interests or to the prestige of the Republic of Austria."

FRANCE

At the time of signature of this Convention, the Government of the French Republic declares that it reserves the right to exercise the power available to it

under article 8 (3) on the terms laid down in that paragraph, when it deposits the instrument of ratification of the Convention.

The Government of the French Republic also declares, in accordance with article 17 of the Convention, that it makes a reservation in respect of article 11, and that article 11 will not apply so far as the French Republic is concerned.

The Government of the French Republic further declares, with respect to article 14 of the Convention, that in accordance with article 17 it accepts the jurisdiction of the Court only in relation to States Parties to this Convention which shall also have accepted its jurisdiction subject to the same reservations; it also declares that article 14 will not apply when there exists between the French Republic and another party to this Convention an earlier treaty providing another method for the settlement of disputes between the two States.

GERMANY⁴

The Federal Republic of Germany will apply the said Convention:

(a) in respect of elimination of statelessness, to persons who are stateless under the terms of article 1, paragraph 1, of the Convention relating to the Status of Stateless Persons of 28 September 1954;

(b) in respect of prevention of statelessness and retention of nationality, to German nationals within the meaning of the Basic Law (Constitution) for the Federal Republic of Germany.

IRELAND

"In accordance with paragraph 3 of article 8 of the Convention Ireland retains the right to deprive a naturalised Irish citizen of his citizenship pursuant to section 19 (1) (b) of the Irish Nationality and Citizenship Act, 1956, on grounds specified in the aforesaid paragraph."

NEW ZEALAND

Declaration:

"[New Zealand] declares that in accordance with paragraph 3 of article 8 of the Convention New Zealand retains the right to deprive a person of his New Zealand citizenship on the following grounds, being grounds existing in New Zealand law at the present time:

the person has, while a New Zealand citizen and while of or over the age of 18 years and of full capacity,

(a) Acquired the nationality or citizenship of another country by any voluntary and formal act, and acted in a manner that is contrary to the interests of New Zealand; or

(b) Voluntarily exercised any of the privileges or performed any of the duties of another nationality or citizenship possessed by him in a manner that is contrary to the interests of New Zealand."

NIGER

With reservations in respect of articles 11, 14 and 15.

TUNISIA⁸

Reservation:

[The Government of Tunisia] declares that it does not consider itself bound by the provisions of article 11 concerning the establishment of a body responsible for assisting in the presentation of claims to obtain nationality to the appropriate authorities, or of article 14, which provides for the competence of the International Court of Justice to rule on disputes concerning the interpretation or application of the Convention.

Declaration:

The Republic of Tunisia declares that, in accordance with article 8, paragraph 3, of the [Convention], it retains the right to deprive a person of Tunisian nationality in the following circumstances as provided for in its existing national law:

1. If he occupies a post in the public service of a foreign State or in foreign armed forces and retains it for more than one month after being enjoined by the Government of Tunisia to leave the post, unless it is found that it was impossible for him to do so.

2. If he is convicted of an act held to be a crime or an offence against the external or internal security of the State.

3. If he engages, for the benefit of a foreign State, in acts which are incompatible with his status as a Tunisian national and which are prejudicial to Tunisia's interests.

4. If he is convicted in Tunisia or abroad for an act held to be a crime under Tunisian law and carrying a sentence of at least five years' imprisonment.

5. If he is convicted of evading his obligations under the law regarding recruitment into the armed forces.

6. If it is discovered, subsequent to issuance of the naturalization certificate, that the person concerned did not fulfil the conditions required by law allowing him to be naturalized.

7. If the alien has made a false declaration, employed fraudulent means or knowingly submitted a document containing a false or incorrect statement for the purpose of obtaining naturalization.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

"[The Government of the United Kingdom declares that], in accordance with paragraph 3 (a) of Article 8 of the Convention, notwithstanding the provisions of paragraph 1 of Article 8, the United Kingdom retains the right to deprive a naturalised person of his nationality on the following grounds, being grounds existing in United Kingdom law at the present time: that, inconsistently with his duty of loyalty to Her Britannic Majesty, the person

"(i) Has, in disregard of an express prohibition of Her Britannic Majesty, rendered or continued to render services to, or received or continued to receive emoluments from, another State, or

"(ii) Has conducted himself in a manner seriously prejudicial to the vital interests of Her Britannic Majesty."

Objections

(Unless otherwise indicated, the objections were made upon ratification, accession or succession.)

FINLAND

<Right>7 August 2008</Right>

"The Government of Finland has examined the declaration made by the Government of the Republic of

Tunisia to the Convention on the Reduction of Statelessness. The Government of Finland holds the view that such a declaration seeks to limit the duty of the Republic of Tunisia not to deprive a person of its nationality if such deprivation would render him or her

stateless to an extent not covered by the exceptions of Article 8 paragraph 3 of the Convention. The declaration therefore amounts to a reservation which restricts one of the essential duties of the Convention in a way contrary to the object and purpose of the Convention.

The Government of Finland therefore objects to the declaration made by the Government of the Republic of Tunisia in respect of Article 8 of the Convention on the Reduction of Statelessness.

This objection does not preclude the entry into force of the Convention between the Republic of Tunisia and Finland. The Convention will thus become operative between the two States without the Republic of Tunisia benefiting from the said declaration."

GERMANY

15 May 2001

"The Government of the Federal Republic of Germany has examined the declaration to the Convention on the Reduction of Statelessness made by the Government of the Republic of Tunisia upon its accession to the Convention. The Government of the Federal Republic of Germany holds the view that such a declaration seeks to limit the duty of a state not to deprive a person of its nationality if such deprivation would render him stateless in an extent which is not covered by the exceptions of Article 8 paragraph 3 of the Convention. The declaration therefore restricts one of the essential duties of the Convention in a way contrary to the essence of the Convention. It is hence incompatible with the object and purpose of the Convention.

The Government of the Federal Republic of Germany therefore objects to the declaration made by the Government of the Republic of Tunisia in respect of Article 8 of the Convention on the Reduction of Statelessness.

This objection does not preclude the entry into force of the Convention between the Federal Republic of Germany and the Republic of Tunisia."

NORWAY

23 May 2001

"The Government of Norway has examined the contents of the reservation and declaration made by the Republic of Tunisia upon accession to the Convention on the Reduction of Statelessness.

The Convention prohibits the deprivation of nationality if it will render the person in question

stateless. This prohibition is subject to certain limitations. It is the position of the Government of Norway that paragraph 3 and 4 of the Tunisian declaration are not justified under the Convention. The said paragraphs of the declaration are contrary to the object and purpose of the Convention, as they aim at limiting the obligations that States undertake when acceding to it, the core obligation being to reduce statelessness.

This objection does not preclude the entry into force in its entirety of the Convention between the Kingdom of Norway and the Republic of Tunisia. The Convention thus becomes operative between Norway and Tunisia without Tunisia benefiting from the said declaration."

SWEDEN

23 May 2001

"The Government of Sweden has examined the declaration to the Convention on the Reduction of Statelessness made by the Government of the Republic of Tunisia upon its accession to the Convention. The Government of Sweden is of the view that this declaration seeks to limit the duty of Tunisia not to deprive a person of its nationality if such deprivation would render him stateless in an extent which is not covered by the exceptions of Article 8 paragraph 3 of the Convention. The declaration therefore restricts one of the essential duties of the Convention and raises serious doubts as to the commitment of the republic of Tunisia to the object and purpose of the Convention.

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. Furthermore, according to the Vienna Convention on the Law of Treaties of 23 May 1969, and well-established customary international law, a reservation contrary to the object and purpose of the treaty shall not be permitted.

The Government of Sweden therefore objects to the declaration made by the Government of the Republic of Tunisia in respect of Article 8 of the Convention on the Reduction of Statelessness.

This objection does not preclude the entry into force of the Convention between the Republic of Tunisia and Sweden."

Territorial Application

<i>Participant</i>	<i>Date of receipt of the notification</i>	<i>Territories</i>
France	31 May 1962	The Convention will apply to the Overseas Departments and the Overseas Territories of the French Republic
United Kingdom of Great Britain and Northern Ireland ⁷	29 Mar 1966	(a) The Convention shall apply to the following non-metropolitan territories for the international relations of which the United Kingdom is responsible: Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Solomon Islands Protectorate, Cayman Islands, Channel Islands, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Isle of Man, Mauritius, Montserrat, St. Helena, St. Kitts, St. Lucia, St. Vincent, Seychelles, Swaziland, Turks and

<i>Participant</i>	<i>Date of receipt of the notification</i>	<i>Territories</i>
	29 Mar 1966	<p>Caicos Islands, Virgin Islands. (b) The Convention shall not apply to Aden and the Protectorate of South Arabia; Brunei; Southern Rhodesia; and Tonga, whose consent to the application of the Convention has been withheld</p> <p>(a) The Convention shall apply to the following non-metropolitan territories for the international relations of which the United Kingdom is responsible: Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Solomon Islands Protectorate, Cayman Islands, Channel Islands, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Isle of Man, Mauritius, Montserrat, St. Helena, St. Kitts, St. Lucia, St. Vincent, Seychelles, Swaziland, Turks and Caicos Islands, Virgin Islands (b) The Convention shall not apply to Aden and the Protectorate of South Arabia; Brunei; Southern Rhodesia; and Tonga, whose consent to the application of the Convention has been withheld</p>

Notes:

¹ *Official Records of the General Assembly, Ninth Session, Supplement No. 21 (A/2890), p. 49.*

² On 10 December 2009, the Secretary-General received from the Government of Brazil, the following communication :

In reference to the instrument of accession¹ relating to the Convention on the Reduction of Statelessness, concluded in New York on 30 August 1961, the Government of the Federative Republic of Brazil declares that, in accordance with Article 8, paragraph 3, sub-paragraph “a”, item “ii” of the Convention, the Federative Republic of Brazil retains the right to deprive a person of his nationality

when he conducts himself in a manner seriously prejudicial to the vital interests of the Brazilian State.

The Secretary-General also wishes to communicate the following information received by the Government of Brazil on 18 December 2009 (Original: English):

“The National Congress of Brazil approved the text of the Convention on the Reduction of Statelessness by means of Legislative Decree n. 274, of 4 October 2007. In accordance with Legislative Decree n. 274/2007, the text of the Convention is approved expressly with the restriction allowed for in article 8 (3) (a) (ii) of the Convention, so that the Federative Republic of Brazil retains the right to deprive a person of his nationality when he conducts himself in a manner seriously prejudicial to the vital interests of the Brazilian State.” In this regard, it is noted that the instrument of accession to the Convention deposited by Brazil with the Secretary-General on 25 October 2007 did not specify the above restriction, in accordance with article 8 (3) of the Convention.

In keeping with the depositary practice followed in similar cases, the Secretary-General proposes to receive the declaration

in question for deposit in the absence of any objection on the part of one of the Contracting States, either to the deposit itself or to the procedure envisaged, within a period of one year from the date of the present notification. In the absence of any such

objection, the said declaration will be accepted for deposit upon the above-stipulated one year period, that is on 29 December 2010.

³ See note 1 under “Germany” regarding Berlin (West) in the “Historical Information” section in the front matter of this volume.

⁴ See note 2 under “Germany” in the “Historical Information” section in the front matter of this volume.

⁵ For the Kingdom in Europe and the Netherlands Antilles. See note 1 under “Netherlands” regarding Aruba/Netherlands Antilles in the “Historical Information” section in the front matter of this volume.

⁶ With a territorial application to Tokelau.

⁷ See note 2 under “United Kingdom of Great Britain and Northern Ireland” regarding Hong Kong in the “Historical Information” section in the front matter of this volume.

⁸ In regard to the declaration made by Tunisia upon accession, the Secretary-General received from the Government of the following State, the following communication on the date indicated hereinafter:

Netherlands (6 June 2001):

“The Government of the Kingdom of the Netherlands has examined the above mentioned declaration. The Government of the Kingdom of the Netherlands understands the declaration of

Tunisia, in particular with regard to the grounds mentioned in Nos. 4 and 6 of the declaration, in respect of article 8 to extend the grounds on which a person can be deprived of Tunisian nationality.

The declaration therefore restricts one of the essential obligations of the Convention in a way contrary to the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid declaration made by the Government of the Republic of Tunisia.

This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and the Republic of Tunisia."