

Extracts relating to UNHCR's supervisory responsibility for the statelessness conventions

1954 Convention relating to the Status of Stateless Persons

Article 33

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 37

In the case of a Federal or non-unitary State, the following provisions shall apply

[...]

(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.

1961 Convention on the Reduction of Statelessness

Article 11

The Contracting States shall promote the establishment within the framework of the United Nations, as soon as may be after the deposit of the sixth instrument of ratification or accession, of a body to which a person claiming the benefit of this Convention may apply for the examination of his claim and for assistance in presenting it to the appropriate authority.

General Assembly resolutions 3274 and 31/36

Mandating UNHCR to fulfill the functions under article 11 of the 1961 Convention on the Reduction of Statelessness

General Assembly resolution 49/169

20. Calls upon States to assist the High Commissioner to fulfil her responsibilities, under General Assembly resolution 3274 (XXIX) of 10 December 1974, with respect to the reduction of statelessness, including the promotion of accessions to and full implementation of international instruments relating to statelessness;

General Assembly resolution 50/152

14. Encourages the High Commissioner to continue her activities on behalf of stateless persons, as part of her statutory function of providing international protection and of seeking preventive action, as well as her responsibilities under General Assembly resolutions 3274 (XXIV) of 10 December 1974 and 31/36 of 30 November 1976;

15. Requests the Office of the High Commissioner, in view of the limited number of States party to these instruments, actively to promote accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the reduction of statelessness, as well as to provide relevant technical and advisory services pertaining to the preparation and implementation of nationality legislation to interested States;

General Assembly resolution 61/137 (and subsequent resolutions)

4. *Notes* that sixty-two States are now parties to the 1954 Convention relating to the Status of Stateless Persons and that thirty-three States are parties to the 1961 Convention on the Reduction of Statelessness, encourages States that have not done so to give consideration to acceding to these instruments, notes the work of the High Commissioner in regard to identifying stateless persons, preventing and reducing statelessness, and protecting stateless persons, and urges the Office of the High Commissioner to continue to work in this area in accordance with relevant General Assembly resolutions and Executive Committee conclusions;

ExCom Conclusion No. 106 (LVII) – 2006

(f) Encourages UNHCR to continue to provide technical advice and operational support to States, and to promote an understanding of the problem of statelessness, also serving to facilitate the dialogue between interested States at the global and regional levels;

(i) Encourages States to consider examining their nationality laws and other relevant legislation with a view to adopting and implementing safeguards, consistent with fundamental principles of international law, to prevent the occurrence of statelessness which results from arbitrary denial or deprivation of nationality; and requests UNHCR to continue to provide technical advice in this regard;

(j) Notes that statelessness may arise as a result of restrictions applied to parents in passing on nationality to their children; denial of a woman's ability to pass on nationality; renunciation without having secured another nationality; automatic loss of citizenship from prolonged residence abroad; deprivation of nationality owing to failure to perform military or alternative civil service; loss of nationality due to a person's marriage to an alien or due to a change in nationality of a spouse during marriage; and deprivation of nationality resulting from discriminatory practices; and requests UNHCR to continue to provide technical advice in this regard;

(t) Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons;

(v) Encourages UNHCR to implement programmes, at the request of concerned States, which contribute to protecting and assisting stateless persons, in particular by assisting stateless persons to access legal remedies to redress their stateless situation and in this context, to work with NGOs in providing legal counselling and other assistance as appropriate;

(x) *Requests* UNHCR to further improve the training of its own staff and those of other United Nations agencies on issues relating to statelessness to enable UNHCR to provide technical advice to States Parties on the implementation of the 1954 Convention so as to ensure consistent implementation of its provisions.

ExCom Conclusion No. 78 (XLVI) – 1995

(a) *Acknowledges* the responsibilities already entrusted to the High Commissioner for stateless refugees and with respect to the reduction of statelessness, and *encourages* UNHCR to continue its activities on behalf of stateless persons, as part of its statutory function of providing international protection and of seeking preventive action, as well as its responsibility entrusted by the General Assembly to undertake the functions foreseen under Article 11 of the 1961 Convention on the Reduction of Statelessness;

(c) *Requests* UNHCR actively to promote accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, in view of the limited number of States parties to these instruments, as well as to provide relevant technical and advisory services pertaining to the preparation and implementation of nationality legislation to interested States;

(d) *Further requests* UNHCR actively to promote the prevention and reduction of statelessness through the dissemination of information, and the training of staff and government officials; and to enhance cooperation with other interested organizations;

ExCom Conclusion No. 107(LVIII) – 2007

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

Safeguard the right of every child to acquire a nationality, and ensure the implementation of this right in accordance with national laws and obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless; and consider the active dissemination of information regarding access to naturalization procedures.

ExCom Conclusion No.96 (LIV) – 2003

(j) *Recommends*, depending on the situation, that UNHCR complement the efforts of States in the return of persons found not to be in need of international protection by:

- Promoting with States those principles which bear on their responsibility to accept back their nationals, as well as principles on the reduction of statelessness;
- Taking clear public positions on the acceptability of return of persons found not to be in need of international protection,
- Continuing its dialogue with States to review their citizenship legislation, particularly if it allows renunciation of nationality without at the same time ensuring that the person in question has acquired another nationality and could be used to stop or delay the return of a person to a country of nationality;

ExCom Conclusion No. 90 (LII) - 2001

(p) *Reiterates* its call for States to consider accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and encourages UNHCR to continue to promote further accessions to and full implementation of both instruments by the States concerned;

(q) *Encourages* UNHCR to continue to make available its technical and advisory services to avoid and reduce cases of statelessness and, in this regard, to strengthen partnerships with regional and other international organizations working in this area;

ExCom Conclusion No. 68 (XLIII) – 1992

(y) *Reiterates* its call to States and relevant international agencies actively to explore and promote measures favourable to stateless persons and, recognizing the absence of an international body with a general mandate for these persons, calls upon the High Commissioner to continue her efforts generally on behalf of stateless individuals and to work actively to promote adherence to and implementation of the international instruments relating to statelessness.