

## **Objectives and key provisions of the 1961 Convention on the Reduction of Statelessness**

### **Objectives**

The 1961 Convention on the Reduction of Statelessness is the primary international legal instrument adopted to date to deal with the means of avoiding statelessness. The Convention provides for acquisition of nationality for those who would otherwise be stateless and who have an appropriate link with the State through factors of birth or descent. The issues of retention of nationality once acquired and transfer of territory are also addressed. The Convention does not address nationality issues within the jurisdiction of a State only, but also offers solutions to nationality problems which might arise between States. To this end, the principles outlined in the Convention have served as an effective framework within which to resolve conflicts concerning nationality.

### **Key provisions**

Articles 1-4 of the Convention outline principles for the granting of nationality at birth to avoid future cases of statelessness.

Articles 5-7 of the Convention include regulation on the loss or renunciation of nationality and stipulate that loss/renunciation should be conditional upon the prior possession or assurance of acquiring another nationality. Articles 5 and 6 include principles of family unity in the light of avoidance of statelessness. In particular, Article 6 contains a provision of non-discrimination against family members as to the loss of nationality.

The issue of deprivation of nationality is dealt with in Articles 8-9. The basic principle is that no deprivation should take place if it will result in statelessness. Article 9 states that "A Contracting State may not deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds." Loss or deprivation of nationality may take place only in accordance with law and accompanied by full procedural guarantees, such as the right to a fair hearing by a court or other independent body.

The issue of transfer of territory is addressed in Article 10. It follows from this provision that treaties shall ensure that statelessness does not occur as a result of transfer of territory. Where no treaty is signed, the State shall confer its nationality on those who would otherwise become stateless as a result of the transfer or acquisition of territory.

Article 11 of the Convention was elaborated for the establishment, within the framework of the United Nations, of a body to which a person claiming the benefit of the Convention may apply for the examination of his/her claim and for the assistance in presenting it to the appropriate authority. The United Nations High Commissioner for Refugees has been requested, by the United Nations General Assembly, to fulfil this function.

The Final Act of the Convention delineates definitions of words used in the Convention, as well as duties of the Contracting States. It recommends that persons who are stateless de facto should as far as possible be treated as stateless de jure to enable them to acquire an effective nationality.