

## State Building, Citizenship and Statelessness

Citizenship is often referred to as the right to have rights. Yet, it has again become a critically important human rights issue in the aftermath of political transitions in Central and Eastern Europe, and of the dissolution of Czechoslovakia, the Soviet Union, and Yugoslavia. The impact of the change of sovereignty on the population concerned is one of the most difficult problems in the law of state succession.

The dissolution of these states has been accompanied by the emergence or re-emergence of states seeking to define or re-define in a fundamental way the relationship between the individual and the community. Evolving concepts of ethnic identity are reflected in the citizenship and aliens laws in many states. The promulgation and administration of these new legal regimes may, however, render certain groups vulnerable to severe discrimination and result in significant population displacements across international borders. Citizens of a predecessor state risk being rendered stateless because of the change in sovereignty. While successor states have latitude to define their citizenry, unwarranted exclusion (i.e., statelessness) or involuntary inclusion, may cause extreme hardship to individuals and lead to human tragedies.

The former Soviet Union's unprecedented situation in terms of the numbers of potential stateless people has highlighted the inadequacies of international arrangements regarding citizenship in cases of territorial change or state dissolution. Also, in the case of the former Yugoslavia, due to the previous citizenship regime, a number of persons have found themselves living in a country of which they are not citizens. Similar problems apply to citizens of the former Czechoslovakia.

While new and revived states have adopted new citizenship laws, these new laws do not sufficiently manage the potentiality for hardships caused by reason of the dissolution of the previous citizenship regime. A variety of problems has arisen, including: the determination of the initial body of citizens; naturalization of previous residents; de jure and de facto statelessness; involuntary acquisition of citizenship; dual/multiple citizenship; and the development of cumbersome and prolonged processes for acquiring or establishing one's citizenship.

While states have a sovereign prerogative to determine the criteria and procedures for the acquisition and loss of their citizenship, this entitlement is not absolute. In principle, persons with citizenship should not be rendered stateless by the dissolution of states. Specifically, all states should allow the acquisition of citizenship by all citizens who resided in their territories when the state was created. Fundamentally, citizenship is a human right.

Of course, even in instances where persons are stateless, the state in which they reside is not relieved of the high obligation to respect their fundamental human rights. Also, states in general would be wise to serve their own interests by repairing such situations of statelessness where they occur by offering citizenship expeditiously.

This report examines the international legal dimensions of issues of statelessness. The report is designed to be used by lawyers, jurists, academics, policymakers and officials who seek to understand the application of these international law precepts in transitional societies. The principal author of the paper is Michael R. Geske, an attorney with the law firm of Arnold & Porter in Washington, D.C. Editorial assistance was provided by Elena Popovic, coordinator of the Legal Policy Task Force for the former Yugoslavia of the Forced Migration Projects.

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The right to a nationality<sup>1</sup> is universally recognized as fundamental, as citizenship in a state is a prerequisite for exercising most civil and political rights. The right to a nationality has been called "man's basic right, for it is nothing less than the right to have rights."<sup>2</sup> Citizenship is the legal connection between states and individuals and is the basis upon which states offer diplomatic protection or legal standing in the international arena. Persons lacking this legal connection are referred to as "stateless persons." In the domestic sphere, stateless persons are often vulnerable to abuse because they usually have fewer legal rights and protections than a state's citizens. International protections offered to stateless persons alleviate some of this exposure, but such protections are not a complete substitute for citizenship.

Of course, every state is entitled to determine, according to its own rules and regulations, who its citizens are. A state's domestic law and practices must comport, however, with the minimum requirements of the international norms discussed herein.<sup>3</sup> These international norms provide the minimum level of acceptable treatment of persons with respect to issues of citizenship and statelessness. At the most fundamental level, international law provides that persons cannot be arbitrarily deprived of a nationality. Moreover, with few exceptions, persons should be granted a nationality in circumstances whereby they would otherwise become stateless. Finally, persons who nonetheless become stateless must be given adequate protection of their fundamental rights.

As discussed in more detail below, statelessness often arises when new states are established, previous governments are restored, or nations gain independence. In the last decade, portions of the former Soviet Union have experienced many such changes in sovereignty over territory. Similarly, the successor states to the former Czechoslovakia and former Yugoslavia have seen the issue of statelessness arise in their territories.<sup>4</sup> Knowledge about and legal protection of human rights with respect to nationality are therefore important contemporary tools to alleviate the conflict and involuntary displacement which are increasingly recognized as consequences of rising populations of stateless persons.

### **Situations of Statelessness**

Statelessness is a serious impediment for any person. Because stateless persons are often denied official documentation, they are severely restricted in their ability to obtain work, housing, and education. Stateless persons generally lose their ability to travel legally across national borders because they cannot obtain passports. Stateless persons have no right to participate in most states' political processes and usually lack the benefits of the physical, legal, or diplomatic protection routinely offered by states to their nationals. Without the protection or assistance derived from legal affinity with a state, stateless persons often become refugees or, if not refugees in the strict definition, they often suffer the same legal and humanitarian problems faced by refugees.

Many circumstances can give rise to statelessness, but some of the more common causes are:

- (1) Conflict of laws between states;
- (2) Transfer of territory upon a state's dissolution, succession, or restoration, without adequate legislative or constitutional provisions with respect to citizenship;
- (3) Loss of nationality through operation of citizenship or marriage laws;
- (4) Lack of compliance with laws governing information on births and identity;
- (5) Laws whereby nationality is based solely on descent (*jus sanguinis*) which can result in the inheritance of statelessness from a stateless parent;

(6) Renunciation of nationality without prior acquisition of another nationality.

A few examples will serve to illustrate these points. One situation which commonly gives rise to statelessness is the case in which a child is born on the territory of one country to parents who are citizens of another country. The law of the country in which the child is born may provide that citizenship is determined only through parental descent, while the law of the parents' country may grant citizenship by descent only to persons born on its territory. Due to the conflict of laws between the states involved, each state could ascribe a different nationality to the child by operation of its own domestic law, thus leaving the child stateless.

State succession also may produce large populations of stateless persons, especially in cases where a formerly unitary state is succeeded by two or more separate states. Consider a person who was born and has always resided in the former, unitary state. Upon dissolution of that state, the individual would expect to be ascribed citizenship in the successor state on whose territory he was born and always resided. Based on the person's ethnic background and ancestry, however, some citizenship laws ascribe to such an individual only the citizenship of another successor state. In such a case, persons can become stateless in the only country in which they have ever lived. Although many citizenship laws provide a mechanism whereby persons can apply for citizenship in the new state, such laws often require evidence of citizenship in the other successor state and a formal renunciation of that citizenship before an application for citizenship in the new state will be accepted. Language requirements also are sometimes imposed. Even if such an application would eventually succeed, the cost and complexity of the application process and administrative rules often create barriers that are insurmountable for stateless persons.

Some states' citizenship laws provide that when a woman marries a noncitizen, she loses her nationality and acquires her husband's nationality. If the husband is stateless, the woman likely will lose her nationality without gaining another. The problems may not end there. Some nationality laws also provide for citizenship only through paternal descent. In such a case, the couple's children would also be stateless even if they were born in the country of which the mother was a citizen before her marriage.

If the family resides outside the woman's state of residence, other problems can arise. For instance, if the husband dies, the woman may have no right to enter her former state because she is no longer a citizen. Even if the woman has the ability to regain citizenship in her former state, the children of the marriage may possess no recognized connection to their mother's former state upon which to base their requests for citizenship.

Documentary requirements may compound these problems. Wars, other conflicts, and administrative mistakes often create insuperable obstacles to documenting birth, marriage, parentage, or residence. Children born in a refugee area outside of their parents' state of citizenship during an armed conflict may later find it difficult or impossible to document their parentage or date and place of birth. If secure and accessible document depositories for birth and marriage records are not maintained, such children may not be able to prove or successfully apply for citizenship.

As shown by these examples, statelessness can be created either by the operation of law (de jure statelessness) or by the operation of political, administrative, or similar forces (de facto statelessness). De facto statelessness is often the result of practical problems that arise when trying to establish one's nationality to the satisfaction of the state's authorities. Whether arising de jure or de facto, statelessness results in the same core problem: individuals are placed outside the protection of any state. Hence, in 1961 the United Nations Conference on the Reduction of Statelessness recommended 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."<sup>5</sup>

## **International Legal Standards**

Adopted in 1948, the Universal Declaration of Human Rights provides that all persons have the right to a nationality and that no person shall be arbitrarily deprived of one's nationality or the right to change nationality.<sup>6</sup> Although the Universal Declaration is not an official treaty among states, it is nonetheless a standard of customary international law which applies to all persons. State action breaching its requirements with respect to nationality or statelessness would be a violation of international law.<sup>7</sup>

Adopted by the United Nations in 1954, the Convention relating to the Status of Stateless Persons (1954 Convention) came into force in 1969.<sup>8</sup> The 1954 Convention articulates minimum standards for the treatment by signatory states of stateless persons, defined as those who are not considered a national by any state.<sup>9</sup> In order to regulate and improve the status of stateless persons, the 1954 Convention generally provides that the basic human rights of stateless persons must be respected by their country of residence without discrimination on the basis of race, religion, or country of origin.<sup>10</sup>

In order to decrease future statelessness, the United Nations in 1961 adopted the Convention on the Reduction of Statelessness (1961 Convention), which came into force in 1975.<sup>11</sup> Under the 1961 Convention, signatory states are to provide mechanisms for persons born on their territory to acquire nationality, and for limiting the circumstances under which persons might lose their nationality without acquiring another. Under the nationality rules contemplated by the 1961 Convention, many persons who would otherwise be rendered stateless are able to obtain a nationality.

Although most states have not acceded to the 1954 and 1961 Conventions,<sup>12</sup> the general principles embodied in those instruments are drawn from basic provisions of citizenship legislation and practice in the majority of states.<sup>13</sup> The Conventions are therefore reference points for determining customary international law and reflect an international consensus on the minimum legal standards to be applied to questions of nationality.<sup>14</sup> Based in part on these Conventions and the practice of many states, the right to a nationality without arbitrary deprivation is now recognized as a basic human right under international law.<sup>15</sup> Although a state may not be required to grant its citizenship to an applicant, states have a general, negative duty not to create a situation resulting in statelessness.<sup>16</sup>

With few exceptions, these standards require states to avoid acts or decisions that would render stateless anyone who has a genuine connection to the state. In particular, state practice reveals a general presumption that successor states will accord their nationality to persons with a "substantial connection" or "genuine effective link" to a territory over which the successor state is newly sovereign. Citizens in such territories should "ipso facto lose their former citizenship and acquire that of the new state" absent of some indication of an even closer connection between the individual and another state.<sup>17</sup> Examples of the "substantial connection" or "genuine effective link," a concept discussed further below, include birth on the state's territory, descent from a citizen of the state, citizenship in a former federal state, or long-term residence in the state without a closer connection to any other state. Statelessness is often caused by the failure of a state to recognize as a legal matter the genuine connections that a person has with the state.

## **Treatment of Stateless Persons**

The 1954 Convention relating to the Status of Stateless Persons offers protection to any "person who is not considered as a national by any State under the operation of its law."<sup>18</sup> This is a purely legal definition, depending upon a legal fact based on the operation of a state's law. The quality or attributes of citizenship in a particular state are irrelevant to the definition.

The 1954 Convention does not apply to persons about whom there is serious reason to consider that they have committed a crime against peace, a war crime, a crime against humanity, acts contrary to the purpose and principles of the United Nations, or a serious nonpolitical crime outside the country of their residence.<sup>19</sup> Each state may follow its own procedures to determine through due process of law whether a particular person is eligible for the benefits provided by the Convention.

Under the 1954 Convention, stateless persons have both rights and duties with respect to their country of residence. Stateless persons are to be granted the same rights of access to courts, elementary education, and freedom of religion that the country extends to its nationals. Stateless persons are also to have the same property and housing rights and rights of association as generally accorded to aliens by the country. In addition, stateless persons are to have freedom of residence, subject to the same restrictions generally applicable to aliens.<sup>20</sup> Stateless persons are generally obliged to follow the laws and regulations of their country of residence.

One of the most important protections granted to stateless persons is the right to identity and travel documents from the country in which they reside. Such documents do not grant citizenship, a presumption of citizenship, or national protection. As a practical matter, however, they are particularly important to stateless persons when travel is required for education, work, health care, or resettlement. A schedule to the 1954 Convention provides a model for such travel documents. Contracting states are obliged to recognize travel documents issued to stateless persons by other states.<sup>21</sup> Stateless persons are not to be expelled unless expulsion is compelled in order to protect national security or public order. Except in the case of national security, expulsions of stateless persons may occur only after compliance with due process of law, such as a fair hearing by a court or independent legal body and rights of appeal.<sup>22</sup> Moreover, all expulsions are restricted by the generally recognized international legal principle of nonrefoulement.<sup>23</sup>

### **Reducing Statelessness**

Naturalization is the primary solution to the problem of statelessness. The 1954 Convention articulates the goals of assimilation and naturalization of stateless persons.<sup>24</sup> The 1961 Convention provides particular mechanisms for contracting states to achieve these goals. Under its terms, persons born on a state's territory are ordinarily to become citizens of that state, either upon birth or through an application process. The application may be conditioned on various factors, including residency, lack of a criminal record, age restrictions, or the condition that the person has always been stateless.<sup>25</sup> Based on the same conditions, contracting states are also to grant their nationality to a child born to parents who are citizens of the state if the child was born outside the territory of the state and would otherwise be stateless.

The 1961 Convention also provides that no deprivation of nationality shall occur if such deprivation will result in statelessness.<sup>26</sup> Hence, renouncing or otherwise losing one's nationality must be conditioned on the prior possession or acquisition of another nationality.<sup>27</sup> Automatic loss of nationality through the operation of marriage, divorce, legitimization or adoption laws is also to be conditioned upon the possession or acquisition of another nationality.<sup>28</sup> In cases where a person may lose a nationality, the deprivation may occur only through due process of law with procedural guarantees. In all cases, nationality decisions must be made without discrimination on the basis of race, ethnicity, religion, or political grounds.

The 1961 Convention provides that statelessness is not to occur on the basis of transfer of territory between states. Treaties should ensure this result.<sup>29</sup> Where no treaties exist, a signatory state is to confer citizenship on persons who would otherwise become stateless as a result of territorial changes. As noted above, states may impose administrative requirements for acquiring citizenship, and such

requirements may apply even in situations of territorial transfer.

Under administrative regimes that require an application for citizenship based on proof of certain facts, such as the administrative requirements permitted under the 1961 Convention, it is critically important that children be registered upon birth and provided with documentation concerning their identity, the identity of their parents, and their place of birth.<sup>30</sup> It is also important that administrative rules and procedures with respect to acquiring or possessing nationality be clear, consistent, well-documented, and enforceable. Especially in cases where territory has been transferred, official records must exist and be accessible in order for a person to prove the information required to obtain or retain citizenship. Statelessness often results as a practical matter where administrative rules are not known, notifications are not given, or administrative fees are not affordable.

The protections afforded by the 1961 Convention do not apply where nationality was gained through fraud or misrepresentation. The 1961 Convention also does not protect persons whose actions seriously prejudice the state's vital interests.

### **Protection Mechanisms**

Because the problems of statelessness and refugee status often overlap, the UN High Commissioner for Refugees (UNHCR) is the agency designated to act as intermediary between states and stateless persons. Since 1975, UNHCR has assumed the responsibilities under Article 11 of the 1961 Convention 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."<sup>31</sup> UNHCR also offers advisory and technical assistance to governmental bodies with mandates extending to issues of nationality and citizenship. UNHCR has expertise to assist states in drafting nationality legislation and, in cases of disputed nationality claims, to help determine whether an individual is stateless or has means of redress with respect to nationality.

In the long term, the interests of stateless or potentially stateless persons can be protected by state accession to the 1954 and 1961 Conventions. Even where formal accession does not occur, legislation embodying the norms of the Conventions would benefit stateless persons or those in danger of becoming stateless. As recently as February 6, 1996, the United Nations General Assembly requested UNHCR to provide advice to states regarding preparation and implementation of nationality legislation and asked states "to adopt nationality legislation with a view to reducing statelessness, consistent with fundamental principles of international law, in particular by preventing arbitrary deprivation of nationality, and by eliminating provisions which permit the renunciation of a nationality without the prior possession or acquisition of another nationality . . ."<sup>32</sup>

### **Conclusion**

In most cases, it is not difficult to determine to which state an individual has a genuine effective link for purposes of nationality decisions. Rather, difficulties in preventing or reducing statelessness often occur as a result of legislative, judicial, administrative, and political decisions which fail to recognize basic principles of international law with respect to nationality. General principles of international law require that states not deprive persons arbitrarily of their nationality, that persons be granted nationality in circumstances where they would otherwise become stateless, and that persons who are stateless be adequately protected in their basic human rights. Accession by all states to the 1954 and 1961 Conventions, and modification of national legislation to comply with the applicable international standards, would be important steps to prevent statelessness and the hardships associated with it.

### **End Notes**

1. On the international level, "nationality" and "citizenship" are used synonymously. For purposes of this discussion of statelessness and the applicable international norms, nationality means citizenship in a state. 2. Earl Warren, 1958, quoted in Independent Commission on International Humanitarian Issues, *Winning the Human Race*, 1988, at 107. 3. See, e.g., 1930 Hague Convention on Certain Questions relating to the Conflict of Nationality Laws, Art. 1, reprinted in 3 *League of Nations - Official Journal* 847 (1930) ("It is for each State to determine under its own law who are its nationals. This law shall be recognized by other States in so far as it is consistent with international conventions, international custom, and the principles of law generally recognized with regard to nationality."). 4. See *Citizenship in the Context of the Dissolution of Czechoslovakia*, UNHCR, Regional Bureau for Europe, European Series, Vol. 2, No. 4, September 1996. 5. Final Act of the United Nations Conference on the Elimination or Reduction of Future Statelessness, at 23, Resolution I. 6. Universal Declaration of Human Rights, Art. 15. Excerpts from the primary international instruments cited herein may be found in the appendix. 7. Michael Gunlicks, "Citizenship as a Weapon in Controlling the Flow of Undocumented Aliens: Evaluation of Proposed Denials of Citizenship to Children of Undocumented Aliens Born in the United States," 63 *Geo. Wash. L. Rev.* 551, 564 and nn. 103, 234 (1995) (citing authorities); Ralph G. Steinhardt, "The Role of International Law as a Canon of Domestic Statutory Construction," 43 *Vand. L. Rev.* 1103, 1158 n.251 (1990) ("[T]he Universal Declaration of Human Rights is regarded generally as an authoritative declaration of states' human rights obligations under the United Nations Charter and customary international law.") (citations omitted). 8. 360 U.N.T.S. 117. 9. 1954 Convention relating to the Status of Stateless Persons, Art. 1.1. 10. "Note on UNHCR and Stateless Persons," EC/1995/SCP/CRP.2, 2 June 1995, at 19. 11. 989 U.N.T.S. 175. 12. As of 1996, 30 states had ratified or acceded to the 1954 Convention and 16 states had ratified or acceded to the 1961 Convention. UNHCR, Division of International Protection, Information and Accession Package to the 1954 and 1961 Conventions (June 1996). 13. *Citizenship in the Context of the Dissolution of Czechoslovakia*, supra note 4, at 4. 14. UNHCR, Division of International Protection, Information and Accession Package to the 1954 and 1961 Conventions, at 3. 15. For other sources of international standards with respect to issues of statelessness, some of which are directed to particular, defined categories of persons, see, e.g., 1966 International Covenant on Civil and Political Rights, 999 U.N.T.S. 171, 179, Art. 24 ("Every child has the right to acquire a nationality."); Convention on the Rights of the Child, 28 I.L.M. 1448, 1460 (1989), Art. 7 ("The child . . . shall have . . . the right to acquire a nationality . . ."); International Court of Justice, *The Nottebohm Case*, ICJ Reports, at 23 ("According to the practice of States, to arbitral and judicial decisions and to the opinions of writers, nationality is a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interests and sentiments, together with the existence of reciprocal rights and duties.") (1955); 1930 Hague Convention on Certain Questions relating to the Conflict of Nationality Laws, supra, note 3. 16. Michael Gunlicks, op. cit., at 564 ("it appears that an international custom against statelessness has been developing and that such a custom may have developed enough to constitute a part of international law"), 580 ("there is, under international law, a customary presumption against statelessness that has been reinforced by a number of treaties"). 17. *Citizenship in the Context of the Dissolution of Czechoslovakia*, at 9-13. 18. 1954 Convention relating to the Status of Stateless Persons, Art. 1.1. 19. *ibid.*, Art. 1.2. 20. *ibid.*, Art. 26. 21. *ibid.*, Arts. 27, 28. 22. *ibid.*, Art. 31. 23. See Final Act of the United Nations Conference on the Status of Stateless Persons, 28 September 1954 ("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 territory where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion"). 24. 1954 Convention relating to the Status of Stateless Persons, Art. 32. 25. 1961 Convention on the Reduction of Statelessness, Art. 1. 26. *ibid.*, Art. 8. 27. *ibid.*, Art. 7.1. 28. However, where a naturalized citizen has resided abroad for more than seven years and the naturalized citizen has not expressed an intent to retain nationality through the state's normal administrative requirements, that person may become stateless even under the 1961

Convention. See 1961 Convention on the Reduction of Statelessness, Art. 7.4. 29. 1961 Convention on the Reduction of Statelessness, Art. 10. 30. Batchelor, Carol A., Comment, "UNHCR and Issues Related to Nationality," 14 Refugee Survey Quarterly 91, 106 (1995). See also Convention on the Rights of the Child, Art. 7, UNGA Res. 44/25, 20 November 1989. 31. This assistance formally extends only to persons who can prove they are de jure stateless and only in relation to signatory states. Batchelor, op. cit., at 94. Where the cause of a person's statelessness is not clearly de jure, the person may rely on a "humanitarian plea" based on the Final Act of the 1954 Conference recommending that de facto stateless persons be accorded the same treatment as de jure stateless persons. Id.; see supra note 5. Also, advocates and government actors should consider whether the person is subject to protection as a refugee. 32. General Assembly Resolution A/RES/50/152, 9 February 1996; see also Executive Committee of the High Commissioner's Programme, Executive Committee Conclusion No. 78, Conclusion on the Prevention and Reduction of Statelessness and the Protection of Stateless Persons (1995).

### **Appendix Excerpts of Pertinent International Instruments**

1930 Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws Article 1 It is for each State to determine under its own law who are its nationals. This law shall be recognized by other States in so far as it is consistent with international conventions, international custom, and the principles of law generally recognized with regard to nationality.

Universal Declaration of Human Rights Article 15 1. Everyone has the right to a nationality. 2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Convention Relating to the Status of Stateless Persons Article 1.1 For the purposes 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. Article 1.2 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 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 nonpolitical crime outside the country of their residence prior to their admission to that country; (c) They have been guilty of acts contrary to the purpose and principles of the United Nations. Article 3 The Contracting States shall apply the provisions of this Convention to stateless persons without discrimination as to race, religion or country of origin. Article 26 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 The Contracting States shall issue identity papers to any stateless person in their territory who does not possess a valid travel document. Article 28 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 31. 1. The Contracting States shall not expel a stateless person lawfully staying 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. 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.

Convention on the Reduction of Statelessness Article 1. A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless. Such nationality shall be granted: (a) at birth, by operation of law, or (b) upon an application being lodged with the appropriate authority, by or on behalf of the person concerned, in the manner prescribed by the national law. Subject to the provisions of paragraph 2 of this Article [limits the conditions which states may impose for granting their citizenship], no such application may be rejected. A Contracting State which provides for the grant of its nationality in accordance with sub-paragraph (b) of this paragraph may also provide for the grant of its nationality by operation of law at such age and subject to such conditions as may be prescribed by the national law. Article 4. A Contracting State shall grant its nationality to a person, not born in the territory of a Contracting State, who would otherwise be stateless, if the nationality of one of his parents at the time of the person's birth was that of that State. If his parents did not possess the same nationality at the time of his birth, the question whether the nationality of the person concerned should follow that of the father or that of the mother shall be determined by the national law of such Contracting State. Nationality granted in accordance with the provisions of this paragraph shall be granted: (a) at birth, by operation of law, or (b) upon an application being lodged with the appropriate authority, by or on behalf of the person concerned, in the manner prescribed by the national law. Subject to the provisions of paragraph 2 of this Article [limits the conditions which states may impose for granting their citizenship], no such application may be rejected. Article 7. 1. (a) If the law of a Contracting State permits renunciation of nationality, such renunciation shall not result in loss of nationality unless the person concerned possesses or acquires another nationality. Article 8. 1. A Contracting State shall not deprive a person of his nationality if such deprivation would render him stateless. 2. Notwithstanding the provisions of paragraph 1 of this Article, a person may be deprived of the nationality of a Contracting State: (a) in the circumstances in which, under paragraphs 4 [residence abroad for seven or more years] and 5 [foreign-born national living abroad] of Article 7, it is permissible that a person should lose his nationality; (b) where the nationality has been obtained by misrepresentation or fraud. 3. Notwithstanding the provisions of paragraph 1 of this Article, a Contracting State may retain the right to deprive a person of his nationality, if at the time of signature, ratification or accession it specifies its retention of such right on one or more of the following grounds, being grounds existing in its national law at that time: (a) that, inconsistently with his duty of loyalty to the Contracting State, the person; (i) has, in disregard of an express prohibition by the Contracting State rendered or continued to render service 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 the State; (b) that the person has taken an oath, or made a formal declaration, of allegiance to another State, or given definite evidence of his determination to repudiate his allegiance to the Contracting State. Article 9. A Contracting State may not deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds. Article 10. 1. Every treaty between Contracting States providing for the transfer of territory shall include provisions designed to secure that no person shall become stateless as a result of the transfer. A Contracting State shall use its best endeavors to secure that any such treaty made by it with a State which is not a party to this Convention includes such provisions. 2. In the absence of such provisions a Contracting State to which territory is transferred or

which otherwise acquires territory shall confer its nationality on such persons as would otherwise become stateless as a result of the transfer or acquisition.

[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, and came into force on 13 December 1975. Participants Consenting to the Convention on the Reduction of Statelessness are: Armenia, Australia, Austria, Azerbaijan, Bolivia, Bosnia and Herzegovina, Canada, Costa Rica, Denmark, Dominican Republic, France, Germany, Ireland, Israel, Kiribati, Latvia, Libyan Arab Jamahiriya, The Netherlands, Niger, Norway, Sweden, and United Kingdom. Territories Consenting to the Convention on the Reduction of Statelessness include: overseas territories and overseas departments of the French Republic; territories of the United Kingdom; and Netherlands Antilles.]

#### *What are the Forced Migration Projects?*

The Forced Migration Projects of the Open Society Institute were established to monitor circumstances in different regions of the world in order to provide the international community with early warning of forced movements of people, as well as to identify the social, economic, and political conditions which cause such dislocations. The Projects encourage early and effective humanitarian responses to migration emergencies; advocate the humane treatment of those unable to return; urge permanent solutions for those displaced; and promote measures that avert individuals' need to flee. The Projects gather information concerning displacements and the circumstances that motivate them, concentrating primarily on the countries of the former Soviet Union, the former Yugoslavia, and the Americas.

#### *What is the Open Society Institute?*

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