



Seventh session
Agenda item 28

DRAFT PROTOCOL RELATING TO THE STATUS
OF STATELESS PERSONS

Report of the Third Committee

Rapporteur: Mrs. Zena HARMAN (Israel)

1. The General Assembly, at its 382nd plenary meeting on 17 October 1952, decided to refer to the Third Committee, together with other items on the agenda of its seventh session, the item "Draft protocol relating to the status of stateless persons".
2. The Committee considered the question at its 420th and 421st meetings held respectively on 21 and 22 October 1952.
3. Several representatives expressed the view that the situation of stateless persons should be improved and that the proposed protocol might be a useful basis for the attainment of that objective. They held, however, that there would be little purpose in the General Assembly completing the drafting of the protocol at the current session because the Convention relating to the Status of Refugees of 28 July 1951, to which the protocol related, though signed by twenty States, had not yet been ratified and had not entered into force. It would be more realistic, they thought, to postpone the adoption of the draft protocol until the Convention relating to the Status of Refugees had entered into force and the attitude of governments towards it became clearer, as well as the extent to which the latter would be prepared to apply the provisions of the Convention to the various categories of stateless persons who are not refugees. Some representatives reminded the Committee of the fact that the International Law Commission was studying the question of nationality including statelessness, although from a different angle. Several speakers pointed out that, as far as their countries

were concerned, there was no need for the adoption of a protocol on the protection of stateless persons because they treated stateless persons on the same footing as other aliens, but that they would not oppose procedural decisions providing for continuation of the work concerning the protocol.

4. Other delegations held that the subject-matter of the draft protocol came within the domestic jurisdiction of States and was, therefore, by virtue of Article 2, paragraph 7, of the Charter, not a proper subject for United Nations activities. Moreover, they said that they were opposed to the Convention relating to the Status of Refugees, which legalized an irregular position and defeated the purpose of General Assembly resolution 8 (I) of 12 February 1946 providing for the early return of displaced persons to their countries of origin.

5. At the 421st meeting, France, Israel and the United Kingdom submitted a joint draft resolution (A/C.3/L.248/Rev.1) which was adopted by 34 votes to 5, with 6 abstentions.

6. Accordingly, the Committee recommends to the General Assembly for adoption the following draft resolution:

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The General Assembly,

Desiring to improve the situation of stateless persons as soon as possible,

Considering that the draft protocol prepared by the Ad Hoc Committee of the Economic and Social Council offers a useful basis for the attainment of this objective,

1. Requests the Secretary-General to communicate the provisions of the draft protocol to all the governments invited to the Conference of Plenipotentiaries held at Geneva in July 1951, with a request for their comments, in particular on those provisions of the Convention relating to the Status of Refugees which they would be prepared to apply to the various categories of stateless persons, and to submit these comments, with his observations, to the Economic and Social Council;

2. Requests the Economic and Social Council to study, if possible at its sixteenth session, the text of the draft protocol and the comments received from interested governments and, in the light of these comments, to take whatever action seems useful in order that a text may be opened for signature after the Convention relating to the Status of Refugees has entered into force.
