



## The 1961 Convention on the Reduction of Statelessness

**Note:** The Peter McMullin Centre has developed three factsheets that provide an overview of the two international treaties which specifically address the global issue of statelessness. The factsheets are available on the [Resource Hub](#) on our website.

- The *'United Nations Statelessness Conventions: An Introduction'* factsheet introduces the background to the two international treaties on statelessness.
- The factsheet on *'The 1954 Convention relating to the Status of Stateless Persons'* summarises the first treaty.
- This factsheet on *'The 1961 Convention on the Reduction of Statelessness'* summarises the second treaty.

**This factsheet aims to provide a brief summary of the *1961 Convention on the Reduction of Statelessness* (the 1961 Convention).**

The text of the 1961 Convention can be viewed [here](#).

### **a. Why did the international community adopt a second treaty on statelessness?**

The 1954 Convention relating to the Status of Stateless Persons defines who is a stateless person and establishes international obligations to protect their fundamental rights and freedoms. However, a second treaty was necessary to reduce the number of people who were stateless and prevent statelessness occurring in the future, to ensure every person's right to a nationality.

Therefore, whilst the 1954 Convention aims to protect the rights of stateless people, the 1961 Convention is focused on the reduction of statelessness.

### **b. How many countries are party to the 1961 Convention?**

Seventy-eight states are party to the 1961 Convention. Of these, seventeen states ratified the 1961 Convention after the [#IBelong Campaign to End Statelessness](#) was launched in 2014.

In the Asia-Pacific region, Australia, Kiribati, New Zealand, the Philippines and Turkmenistan are parties to the 1961 Convention.

### c. What obligations do countries have under the 1961 Convention?

States which are party to a particular treaty are referred to as ‘**contracting states**’. The 1961 Convention imposes requirements on contracting states. These obligations are divided into three themes:

- Positive obligations to grant nationality at **birth** in certain circumstances (articles 1 to 4);
- Obligations relating to the **loss, deprivation or renunciation** of nationality (articles 5 to 9);
- **Safeguarding** against statelessness in circumstances where an existing **state is dissolved** and replaced by the creation of a new state or multiple states over that territory (article 10).

### d. When do countries have the obligation to grant nationality?

One of the most important provisions of the 1961 Convention requires a contracting state to grant its nationality to a person born on its territory who would otherwise be stateless (article 1). This means that a child is entitled to the nationality of the country where they are born if that child does not have any other nationality or is not able to acquire any other nationality.<sup>1</sup>

### e. Can states strip someone of their nationality?

Articles 5 to 9 of the 1961 Convention establish the circumstances in which the **loss and deprivation of nationality** are permissible. These concepts are explained below.

**Loss of nationality** in this context refers to someone’s nationality being removed in an automatic process if the circumstances set out in that country’s laws are met. The key obligation on contracting states is in article 7(6), which requires a country to ensure that a person will not lose their nationality if, as a result, they would be stateless. There are limited exceptions to this obligation: for example, loss of nationality is permitted if someone resides abroad for at least seven consecutive years (article 7(4)).

**Deprivation of nationality** is when the relevant state authority initiates the removal of someone’s nationality. Contracting states are generally prohibited from withdrawing someone’s nationality if this would result in the person becoming stateless (article 8(1)). Article 8(1)<sup>2</sup> has gained prominence in recent years as states have increasingly introduced laws giving governments the power to deprive somebody of their citizenship if they are suspected of engaging in terrorism.

The 1961 Convention prohibits deprivation of nationality on ‘racial, ethnic, religious or political grounds’, regardless of whether this deprivation would render a person or group of persons stateless (article 9). There are no exceptions to this obligation, meaning that deprivation on these grounds is likely to be deemed arbitrary and in breach of international law.

### f. How are countries held accountable for their obligations under the 1961 Convention?

The 1961 Convention intends that there is institutional oversight over how states meet their



obligations under the 1961 Convention: article 11 states that a body within the United Nations should be selected to assist people claiming their rights under the Convention, by examining such claims or assisting people to present their claims to the appropriate authority. The UNHCR has fulfilled this function, at the request of the UN General Assembly, since 1974.

As with the 1954 Convention, article 14 of the 1961 Convention provides that in the event of a dispute between contracting states regarding how to interpret or apply the Convention, one of the parties to the dispute can request that the matter be heard before the International Court of Justice, if the dispute cannot be settled through other processes. Thus far, this provision has never been used.

### **Suggested further reading:**

*Factsheet: Introduction to the United Nations Statelessness Conventions*, available on the [Peter McMullin Centre on Statelessness Resource Hub](#)

*Factsheet: 1954 Convention relating to the Status of Stateless Persons*, available on the [Peter McMullin Centre on Statelessness Resource Hub](#)

Guy S Goodwin Gill, [Introductory Note: Convention on the Reduction of Statelessness \(2011\)](#)  
United Nations Audiovisual Library of International Law

Institute on Statelessness and Inclusion, [Principles on Deprivation of Nationality as a National Security Measure](#)

[UNHCR, Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness \(May 2020\)](#) ❖

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1. Article 1(2) lists a few optional conditions that a contracting state may decide to put in place before granting nationality to a person born in the territory who would otherwise be stateless. These conditions include: that the person has habitually lived in the territory of the state for up to five years, and/or that the person has not been convicted of an offence against national security nor been sentenced to imprisonment for five or more years on a criminal charge.

2. Article 8(2)-(3) allows for some limited exceptions, whereby States may still lawfully deprive somebody of citizenship, even where it may result in statelessness. These exceptions include: where the person obtained their nationality by misrepresentation or fraud (article 8(2)); or if the state made a formal declaration at the time it became a party to the treaty that it would retain the right to apply the exceptions set out in article 8(3) to deprive someone of nationality even where that may render the person stateless.