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REFUGEES



Treaty Series No. 112 (1973)

# Special Protocol concerning Statelessness

The Hague, 12 April–31 December 1930

[The United Kingdom instrument of ratification was deposited on 14 January 1932 and  
the Protocol entered into force on 11 October 1973]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
October 1973*

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Cmd. 5447

Treaty Series No. 112 (1973)

SPECIAL PROTOCOL ON STATELESSNESS

Cmd. 5447

The Protocol was ratified by the Republic of China on 14 February 1935. However, the United Nations informed Member States on 11 October 1973 that the People's Republic of China had decided not to recognise the Protocol as binding on China. The instrument of ratification deposited by the former Government of China was therefore regarded by the Secretary-General of the United Nations as withdrawn. The Protocol has therefore not entered into force and the following corrections should be made to the Command Paper.

CORRECTIONS

Title Page, *delete* "and the Protocol entered into force on 11 October 1973."

Page 5, *delete* footnote (3).

Page 7, Signatures and Ratifications, *delete the entry* "China ... .. 14 Feb. 1935"

March 1974

LONDON: HER MAJESTY'S STATIONERY OFFICE

## **SPECIAL PROTOCOL CONCERNING STATELESSNESS**

The undersigned Plenipotentiaries, on behalf of their respective Governments,  
With a view to determining certain relations of stateless persons to the  
State whose nationality they last possessed,  
Have agreed as follows:

### **ARTICLE 1**

If a person, after entering a foreign country, loses his nationality without acquiring another nationality, the State whose nationality he last possessed is bound to admit him, at the request of the State in whose territory he is:

- (i) if he is permanently indigent either as a result of an incurable disease or for any other reason; or
- (ii) if he has been sentenced, in the State where he is, to not less than one month's imprisonment and has either served his sentence or obtained total or partial remission thereof.

In the first case the State whose nationality such person last possessed may refuse to receive him, if it undertakes to meet the cost of relief in the country where he is as from the thirtieth day from the date on which the request was made. In the second case the cost of sending him back shall be borne by the country making the request.

### **ARTICLE 2**

The High Contracting Parties agree to apply the principles and rules contained in the preceding article in their relations with each other, as from the date of the entry into force of the present Protocol.

The inclusion of the above-mentioned principles and rules in the said article shall in no way be deemed to prejudice the question whether they do or do not already form part of international law.

It is understood that, in so far as any point is not covered by any of the provisions of the preceding article, the existing principles and rules of international law shall remain in force.

### **ARTICLE 3**

Nothing in the present Protocol shall affect the provisions of any treaty, convention or agreement in force between any of the High Contracting Parties relating to nationality or matters connected therewith.

### **ARTICLE 4**

Any High Contracting Party may, when signing or ratifying the present Protocol or acceding thereto, append an express reservation excluding any one or more of the provisions of Articles 1 and 5.

The provisions thus excluded cannot be applied against the High Contracting Party who has made the reservation nor relied on by that Party against any other High Contracting Party.

## ARTICLE 5

If there should arise between the High Contracting Parties a dispute of any kind relating to the interpretation or application of the present Protocol and if such dispute cannot be satisfactorily settled by diplomacy, it shall be settled in accordance with any applicable agreements in force between the Parties providing for the settlement of international disputes.

In case there is no such agreement in force between the Parties, the dispute shall be referred to arbitration or judicial settlement, in accordance with the constitutional procedure of each of the Parties to the dispute. In the absence of agreement on the choice of another tribunal, the dispute shall be referred to the Permanent Court of International Justice, if all the Parties to the dispute are Parties to the Protocol of the 16th December, 1920,<sup>(1)</sup> relating to the Statute of that Court, and if any of the Parties to the dispute is not a Party to the Protocol of the 16th December, 1920, the dispute shall be referred to an arbitral tribunal constituted in accordance with the Hague Convention of the 18th October, 1907, for the Pacific Settlement of International Conflicts.<sup>(2)</sup>

## ARTICLE 6

The present Protocol shall remain open until the 31st December, 1930, for signature on behalf of any Member of the League of Nations or of any non-Member State invited to the First Codification Conference or to which the Council of the League of Nations has communicated a copy of the Protocol for this purpose.

## ARTICLE 7

The present Protocol is subject to ratification. Ratifications shall be deposited with the Secretariat of the League of Nations.

The Secretary-General shall give notice of the deposit of each ratification to the Members of the League of Nations and to the non-Member States mentioned in Article 6, indicating the date of its deposit.

## ARTICLE 8

As from the 1st January, 1931, any Member of the League of Nations and any non-Member State mentioned in Article 6 on whose behalf the Protocol has not been signed before that date, may accede thereto.

Accession shall be effected by an instrument deposited with the Secretariat of the League of Nations. The Secretary-General of the League of Nations shall give notice of each accession to the Members of the League of Nations and to the non-Member States mentioned in Article 6, indicating the date of the deposit of the instrument.

## ARTICLE 9

A *procès-verbal* shall be drawn up by the Secretary-General of the League of Nations as soon as ratifications or accessions on behalf of ten Members of the League of Nations or non-Member States have been deposited.

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<sup>(1)</sup> Treaty Series No. 23 (1923), Cmd. 1981.

<sup>(2)</sup> Treaty Series No. 6 (1971), Cmd. 4575.

A certified copy of this *procès-verbal* shall be sent by the Secretary-General to each Member of the League of Nations and to each non-Member State mentioned in Article 6.

#### ARTICLE 10

The present Protocol shall enter into force on the 90th day after the date of the *procès-verbal* mentioned in Article 9 as regards all Members of the League of Nations or non-Member States on whose behalf ratifications or accessions have been deposited on the date of the *procès-verbal*.<sup>(3)</sup>

As regards any Member of the League or non-Member State on whose behalf a ratification or accession is subsequently deposited, the Protocol shall enter into force on the 90th day after the date of the deposit of a ratification or accession on its behalf.

#### ARTICLE 11

As from the 1st January, 1936, any Member of the League of Nations or any non-Member State in regard to which the present Protocol is then in force, may address to the Secretary-General of the League of Nations a request for the revision of any or all of the provisions of this Protocol. If such a request, after being communicated to the other Members of the League and non-Member States in regard to which the Protocol is then in force, is supported within one year by at least nine of them, the Council of the League of Nations shall decide, after consultation with the Members of the League of Nations and the non-Member States mentioned in Article 6, whether a conference should be specially convoked for that purpose or whether such revision should be considered at the next conference for the codification of international law.

The High Contracting Parties agree that, if the present Protocol is revised, the new Agreement may provide that upon its entry into force some or all of the provisions of the present Protocol shall be abrogated in respect of all of the parties to the present Protocol.

#### ARTICLE 12

The present Protocol may be denounced.

Denunciation shall be effected by a notification in writing addressed to the Secretary-General of the League of Nations, who shall inform all Members of the League of Nations and the non-Member States mentioned in Article 6.

Each denunciation shall take effect one year after the receipt by the Secretary-General of the notification, but only as regards the Member of the League or non-Member State on whose behalf it has been notified.

#### ARTICLE 13

1. Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Protocol, he does not

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<sup>(3)</sup> The Protocol entered into force on 11 October 1973, *i.e.* on the 90th day after the date of the *procès-verbal* of the Secretary-General of the United Nations, drawn up following receipt of the notification of succession by Fiji.

assume any obligations in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of the said territories; and the present Protocol shall not apply to any territories or to the parts of their population named in such declaration.

2. Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Protocol shall apply to all or any of his territories or to the parts of their population which have been made the subject of a declaration under the preceding paragraph, and the Protocol shall apply to all the territories or the parts of their population named in such notice six months after its receipt by the Secretary-General of the League of Nations.

3. Any High Contracting Party may, at any time, declare that he desires that the present Protocol shall cease to apply to all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of the said territories, and the Protocol shall cease to apply to the territories or to the parts of their population named in such declaration one year after its receipt by the Secretary-General of the League of Nations.

4. Any High Contracting Party may make the reservations provided for in Article 4 in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of these territories, at the time of signature, ratification or accession to the Protocol or at the time of making a notification under the second paragraph of this article.

5. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and the non-Member States mentioned in Article 6 all declarations and notices received in virtue of this article.

#### ARTICLE 14

The present Protocol shall be registered by the Secretary-General of the League of Nations as soon as it has entered into force.

#### ARTICLE 15

The French and English texts of the present Protocol shall both be authoritative.

In faith whereof the Plenipotentiaries have signed the present Protocol.

Done at The Hague on the twelfth day of April, one thousand nine hundred and thirty, in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations and of which certified true copies shall be transmitted by the Secretary-General to all the Members of the League of Nations and all the non-Member States invited to the First Conference for the Codification of International Law.

## SIGNATURES AND RATIFICATIONS

	<i>State</i>	<i>Date of deposit of ratification</i>
Austria	... ..	—
Belgium	... ..	4 April 1939*
Canada	... ..	—
China	... ..	14 Feb. 1935
Colombia	... ..	—
Cuba ( <i>ad referendum</i> )	... ..	—
Egypt	... ..	—
Great Britain and Northern Ireland and all parts of the British Empire which are not separate members of the League of Nations	... ..	14 Jan. 1932*
Greece ( <i>ad referendum</i> )	... ..	—
India	... ..	28 Sept. 1932*
Irish Free State	... ..	—
Luxembourg	... ..	—
Mexico	... ..	—
Spain	... ..	—
Peru ...	... ..	—
Portugal	... ..	—
Salvador	... ..	14 Oct. 1935*
Spain	... ..	—
Union of South Africa	... ..	9 Apr. 1936
Uruguay	... ..	—

## ACCESSIONS

	<i>State</i>	<i>Date of deposit</i>
Australia	... ..	8 July 1935*
Brazil	... ..	19 Sept. 1931

## NOTIFICATIONS OF SUCCESSION

	<i>State</i>	<i>Date of deposit</i>
Fiji ...	... ..	25 May 1973
Pakistan	... ..	29 July 1953

\* For texts of reservations and declarations see overleaf.

## RESERVATIONS AND DECLARATIONS

### **Australia**

Accession includes the territories of Papua and Norfolk Island and the mandated territories of New Guinea and Nauru.

### **Belgium**

Sous la réserve que l'application de ce Protocole ne s'étendra pas à la Colonie du Congo belge ni aux Territoires sous mandat.

#### *Translation*

With the reservation that the application of this Protocol will not be extended to the Colony of the Belgian Congo nor to the Territories under mandate.

### **Great Britain and Northern Ireland**

His Majesty the King does not assume any obligation in respect of the Karenni States, which are under His Majesty's suzerainty, or the population of the said States.

### **India**

In accordance with the provisions of Article 13 of this Protocol, His Britannic Majesty does not assume any obligation in respect of the territories in India of any Prince or Chief under His suzerainty or the population of the said territories.

### **Salvador**

The Republic of Salvador does not assume the obligations laid down by the Protocol where the Salvadorian nationality possessed by the person and ultimately lost by him was acquired by naturalisation.