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Multilateral

Council of Europe Convention on the avoidance of statelessness in relation to State succession. Strasbourg, 19 May 2006

Entry into force: *1 May 2009, in accordance with article 18*

Authentic texts: *English and French*

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Multilatéral

Convention du Conseil de l'Europe sur la prévention des cas d'apatridie en relation avec la succession d'États. Strasbourg, 19 mai 2006

Entrée en vigueur : *1^{er} mai 2009, conformément à l'article 18*

Textes authentiques : *anglais et français*

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Participant	Ratification and Definitive signature (s)		
Hungary	7 Jan	2009	
Moldova	12 Dec	2007	
Norway	12 Oct	2006	s

Participant	Ratification et Signature définitive (s)		
Hongrie	7 janv	2009	
Moldova	12 déc	2007	
Norvège	12 oct	2006	s

Council of Europe
Convention on the avoidance
of statelessness in relation
to State succession

Preamble

The member States of the Council of Europe and the other States signatory to this Convention,

Considering that the avoidance of statelessness is one of the main concerns of the international community in the field of nationality;

Noting that State succession remains a major source of cases of statelessness;

Recognising that the European Convention on Nationality (ETS No. 166), opened for signature in Strasbourg on 6 November 1997, contains only general principles and not specific rules on nationality in case of State succession;

Bearing in mind that, with regard to statelessness in relation to State succession, other international instruments either do not have a binding character or do not address some important issues;

Convinced that for the reasons above there is a need for a comprehensive international instrument on State succession and the avoidance of statelessness which should be interpreted and applied, bearing in mind the principles of the European Convention on Nationality;

Taking into account Recommendation No. R (99) 18 of the Committee of Ministers on the Avoidance and Reduction of Statelessness, as well as the practical experience gained in recent years with regard to State succession and statelessness;

Having regard to other binding international instruments, namely the United Nations Conventions relating to the Status of Stateless Persons and on the Reduction of Statelessness, and the Vienna Conventions on Succession of States in respect of Treaties and on Succession of States in respect of State Property, Archives and Debts;

Having also regard to the draft articles on nationality of natural persons in relation to the succession of States, prepared by the United Nations International Law Commission, contained in the Annex to the United Nations General Assembly Resolution 55/153 of 2001 as well as the Declaration of the European Commission for Democracy through Law (Venice Commission) on the Consequences of State Succession for the Nationality of Natural Persons;

Building upon, but without prejudice to, the general principles established in the international instruments and documents mentioned above, by adding specific rules applicable to the particular situation of statelessness in relation to State succession;

In order to give effect to the principles established in the European Convention on Nationality that everyone has the right to a nationality and that the rule of law and human rights, including the prohibition of arbitrary deprivation of nationality and the principle of non-discrimination, must be respected in order to avoid statelessness,

Have agreed as follows:

★ Article 1 – Definitions

For the purposes of this Convention:

- a “State succession” means the replacement of one State by another in the responsibility for the international relations of territory;
- b “State concerned” means the predecessor State or the successor State, as the case may be;
- c “Statelessness” means the situation where a person is not considered as a national by any State under the operation of its internal law;
- d “Habitual residence” means a stable factual residence;
- e “Person concerned” means every individual who, at the time of the State succession, had the nationality of the predecessor State and who has or would become stateless as a result of the State succession.

Article 2 – Right to a nationality

Everyone who, at the time of the State succession, had the nationality of the predecessor State and who has or would become stateless as a result of the State succession has the right to the nationality of a State concerned, in accordance with the following articles.

Article 3 – Prevention of statelessness

The State concerned shall take all appropriate measures to prevent persons who, at the time of the State succession, had the nationality of the predecessor State, from becoming stateless as a result of the succession.

Article 4 – Non-discrimination

When applying this Convention, States concerned shall not discriminate against any person concerned on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Article 5 – Responsibility of the successor State

- 1 A successor State shall grant its nationality to persons who, at the time of the State succession, had the nationality of the predecessor State, and who have or would become stateless as a result of the State succession if at that time:
 - a they were habitually resident in the territory which has become territory of the successor State, or
 - b they were not habitually resident in any State concerned but had an appropriate connection with the successor State.