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Agenda item 72

Nationality of natural persons in relation to the succession of States

Report of the Sixth Committee

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I. Introduction

1. The item entitled “Nationality of natural persons in relation to the succession of States” was included in the provisional agenda of the sixty-third session of the General Assembly pursuant to Assembly resolution 59/34 of 2 December 2004.
2. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 11th, 25th and 26th meetings, on 21 October and 5 and 14 November 2008. The views of the representatives who spoke during the Committee’s consideration of the item are reflected in the relevant summary records (A/C.6/63/SR.11, 25 and 26).
4. For its consideration of the item, the Committee had before it a note by the Secretariat containing the comments of Governments regarding the nationality of natural persons in relation to the succession of States (A/63/113), as well as a previous note by the Secretariat containing the comments of Governments on the question of a convention on the nationality of natural persons in relation to the succession of States (A/59/180 and Add.1 and 2).

II. Consideration of draft resolution A/C.6/63/L.14

5. At the 25th meeting, on 5 November, the representative of the Democratic Republic of the Congo, on behalf of the Bureau, introduced a draft resolution entitled “Nationality of natural persons in relation to the succession of States” (A/C.6/63/L.14), and orally revised the text.
6. At its 26th meeting, on 14 November, the Committee adopted draft resolution A/C.6/63/L.14, as orally revised, without a vote (see para. 7).



III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Nationality of natural persons in relation to the succession of States

The General Assembly,

Having examined the item entitled “Nationality of natural persons in relation to the succession of States”,

Recalling its resolution 54/112 of 9 December 1999, in which it decided to consider at its fifty-fifth session the draft articles on nationality of natural persons in relation to the succession of States prepared by the International Law Commission,

Recalling also its resolution 55/153 of 12 December 2000, the annex to which contains the articles on nationality of natural persons in relation to the succession of States,

Recalling further its resolution 59/34 of 2 December 2004,

Taking into consideration the comments and observations of Governments¹ and the discussion held in the Sixth Committee at the fifty-ninth and sixty-third sessions of the General Assembly² on the question of nationality of natural persons in relation to the succession of States, with a view, in particular, to preventing the occurrence of statelessness as a result of a succession of States, as well as on the advisability of elaborating a legal instrument on this question,

Taking note, in this regard, of the efforts made at the regional level towards the elaboration of a legal instrument on the avoidance of statelessness in relation to State succession,

1. *Reiterates its invitation* to Governments to take into account, as appropriate, the provisions of the articles contained in the annex to resolution 55/153, in dealing with issues of nationality of natural persons in relation to the succession of States;

2. *Encourages* States to consider, as appropriate, at the regional or subregional levels, the elaboration of legal instruments regulating questions of nationality of natural persons in relation to the succession of States, with a view, in particular, to preventing the occurrence of statelessness as a result of a succession of States;

3. *Invites* Governments to submit comments concerning the advisability of elaborating a legal instrument on the question of nationality of natural persons in relation to the succession of States, including the avoidance of statelessness as a result of a succession of States;

¹ A/59/180 and Add.1 and 2; and A/63/113.

² *Official Records of the General Assembly, Fifty-ninth Session, Sixth Committee*, 15th meeting (A/C.6/59/SR.15), and corrigendum; and *ibid.*, *Sixty-third Session, Sixth Committee*, 11th meeting (A/C.6/63/SR.11), and corrigendum.

4. *Decides* to include in the provisional agenda of its sixty-sixth session the item entitled “Nationality of natural persons in relation to the succession of States”, with the aim of examining the subject, including the question of the form that might be given to the draft articles.
