

EXPULSION OF ALIENS

[Agenda item 6]

DOCUMENT A/CN.4/594

Fourth report on the expulsion of aliens,* by Mr. Maurice Kamto, Special Rapporteur

[Original: French]
[24 March 2008]

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Multilateral instruments cited in the present report

	Source
Convention regarding the Status of Aliens in the respective Territories of the Contracting Parties (Havana, 20 February 1928)	League of Nations, <i>Treaty Series</i> , vol. CXXXII, No. 3045, p. 301.
Convention on Certain Questions relating to the Conflict of Nationality Laws (The Hague, 12 April 1930)	<i>Ibid.</i> , vol. CLXXIX, No. 4137, p. 89.
Convention on the Reduction of Statelessness (New York, 30 August 1961)	United Nations, <i>Treaty Series</i> , vol. 989, No. 14458, p. 175.
Convention on reduction of cases of multiple nationality and military obligations in cases of multiple nationality (Strasbourg, 6 May 1963)	<i>Ibid.</i> , vol. 634, No. 9065, p. 221.
Second Protocol amending the above-mentioned Convention (Strasbourg, 2 February 1993)	<i>Ibid.</i> , vol. 1967, No. 9065, p. 338.
International Covenant on Civil and Political Rights (New York, 16 December 1966)	<i>Ibid.</i> , vol. 999, No. 14668, p. 171.
Convention on the Rights of the Child (New York, 20 November 1989)	<i>Ibid.</i> , vol. 1577, No. 27531, p. 3.
European Convention on Nationality (Strasbourg, 6 November 1997)	<i>Ibid.</i> , vol. 2135, No. 37248, p. 213.

* The Special Rapporteur warmly acknowledges the contribution of Mr. William Worster to the preparation of the present report, in particular his important research on State practice with respect to loss of nationality and denationalization in the context of expulsion. The Special Rapporteur takes sole responsibility for the content of the present report.

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Introduction

1. During the International Law Commission's consideration, at its fifty-ninth session (7 May–5 June and 9 July–10 August 2007), of the third report on the expulsion of aliens,¹ in particular draft article 4 (Non-expulsion by a State of its own nationals), it was observed that the issue of the expulsion of persons having two or more nationalities should be studied in more detail and resolved within draft article 4, or in a separate draft article.² Another viewpoint, supported by several members, was that it was not appropriate to address the topic in that context, especially if the Commission's intention was to help strengthen the rule prohibiting the expulsion of nationals.³ However, the Commission cannot dismiss the issue without first exploring it in more depth.

¹ *Yearbook ... 2007*, vol. II (Part One), document A/CN.4/581.

² *Yearbook ... 2007*, vol. II (Part Two), p. 57, para. 227.

³ *Ibid.*, p. 57, para. 228.

2. It was also observed that the issue of deprivation of nationality, which was sometimes used as a preliminary to expulsion, deserved thorough study.⁴

3. With regard to his third report on the expulsion of aliens, the Special Rapporteur observed that it was not desirable to deal with the issue of dual nationals in connection with draft article 4, as protection from expulsion should be provided in respect of any State of which a person was a national. He believed that the issue could, in particular, have an impact in the context of diplomatic protection in cases of unlawful expulsion. However, in order to respond to the questions posed by several members, the Special Rapporteur planned to analyse further the issue of expulsion of dual nationals and the question of deprivation of nationality as a prelude to expulsion.⁵ Such is the purpose of the present report.

⁴ *Ibid.*, p. 57, para. 227.

⁵ *Ibid.*, p. 60, para. 261.

CHAPTER I

Expulsion in cases of dual or multiple nationality

4. Nationality is essentially governed by internal law, albeit within the limits set by international law. This language from the preamble to the Commission's articles on the nationality of natural persons in relation to the succession of States⁶ reflects an old idea expressed, *inter alia*, in the Convention on Certain Questions relating to the Conflict of Nationality Laws, which provides that:

It is for each State to determine under its own law who are its nationals. This law shall be recognised by other States in so far as it is consistent with international conventions, international custom, and the principles of law generally recognised with regard to nationality.⁷

5. It is felt that in matters of nationality, the legitimate interests of both States and individuals must be duly taken into account. Concerning the interests of individuals, the Universal Declaration of Human Rights of 10 December 1948 stipulates that everyone has the right to a nationality;⁸ the International Covenant on Civil and Political Rights⁹ and the Convention on the Rights of the Child¹⁰ recognize that every child has the right to acquire a nationality; and on 30 August 1961 States adopted a Convention on the reduction of statelessness. Likewise, the European Convention on Nationality¹¹ and the Commission's articles on nationality of natural persons in relation to the succession of States, of which the General

Assembly took note,¹² are based on the principle of the right to a nationality. At the same time, the legitimate interests of States require acknowledgement of their freedom to confer their nationality on or withdraw it from an individual insofar as those measures are consistent with the relevant principles laid down in international law in this area. A State is thus free to establish by law the rule of sole and exclusive nationality or, conversely, to allow cases of dual or multiple nationality.

6. It should be noted that the recognition of dual or multiple nationality is a relatively recent trend. In the past, the acquisition of two or more nationalities by a single individual was discouraged in international law. In fact, until recently opposition to dual nationality was as strong as the movement to prevent statelessness. Cases of dual nationality have increased in the past few decades. Some authors have attributed this to the marital situation of women who acquire a second nationality through marriage.¹³ Another factor that could be added, in this era of globalization, is the intensity of international migration and migrants' tendency to become long-term residents of their host countries, where acquisition of the nationality of those countries enables them to become better integrated into the social, political and economic system.

A. Are dual or multiple nationals aliens?

7. The issue of the expulsion of aliens poses particular legal problems when it relates to persons with dual or

⁶ See General Assembly resolution 55/153 of 12 December 2000, annex.

⁷ Art. I of the Convention, which entered into force on 1 July 1937.

⁸ See General Assembly resolution 217 (III) A, art. 15, para. 1.

⁹ Art. 24, para. 3.

¹⁰ Art. 7, para. 1.

¹¹ See article 4.

¹² Art. 1 (see footnote 6 above).

¹³ See Koslowski, "Challenges of international cooperation in a world of increasing dual nationality".

multiple nationality. First of all, if the individual subject to expulsion has the nationality of the expelling State, is the principle of non-expulsion of nationals strictly applicable? In other words, can a person liable to expulsion be considered an alien if he or she has not lost any of his or her nationalities? Secondly, in the light of this question, is a State in violation of international law if it expels an individual with dual nationality without first withdrawing its own nationality from that individual?

8. On the first point, some States do, in fact, treat their nationals who also hold another nationality as aliens for purposes other than expulsion. For example, Australia and Hungary have effected an exchange of notes in relation to their consular treaty under which their citizens with dual nationality are treated as aliens in the other country if they enter that country for a temporary stay using the passport of the other State with the appropriate visa.¹⁴ Australia had already held that it could limit certain rights of its nationals, *inter alia*, by treating Australian nationals who simultaneously possessed another nationality as aliens.¹⁵ Poland and the United States of America,¹⁶ as well as Canada and Hungary,¹⁷ have effected exchanges of notes relative to their respective consular treaties that contain similar provisions. It seems that these agreements were concluded to ensure that the citizens of the States concerned could return to their countries of origin after a stay abroad while retaining the nationality of the visited country.

9. In the 1928 *Georges Pinson* case before the French-Mexican Mixed Claims Commission, France submitted a claim lodged by an individual with dual French and Mexican nationality. The Commission held that “even if the case were recognised as one of double nationality from the strictly legal point of view, it would be very doubtful if the claimant could not have invoked the Convention notwithstanding, owing to the fact that the Mexican Government itself had always considered him, officially and exclusively, as a French subject”.¹⁸ It appears, in the light

¹⁴ See Piotrowicz, “The Australian-Hungarian consular treaty of 1988 and the regulation of dual nationality”, especially pp. 572–576.

¹⁵ See Kojanec, “Multiple nationality”. The author adds (*ibid.*, p. 43, para. 5.1): “The decision of the High Court of Australia in June 1999, according to which an Australian national possessing simultaneously another nationality may not, in application of Art. 44 of the Constitution, be elected to the Federal Parliament because of his ties to a ‘foreign power’, illustrates this conception.”

¹⁶ Exchange of notes (Note No. 38) of 31 May 1972 (pursuant to the Consular Convention of 31 May 1972 between Poland and the United States, entry into force on 6 July 1973, *United States Treaties and Other International Agreements*, vol. 24, part 2, no. 7642, p. 1231 (Washington, D.C., U.S. Government Printing Office, 1974): “Persons entering the Polish People’s Republic for temporary visits on the basis of United States passports containing Polish entry visas will, in the period for which temporary visitor status has been accorded (in conformity with the visa’s validity), be considered United States citizens by the appropriate Polish authorities for the purpose of ensuring the consular protection provided for in Article 29 of the Convention and the right of departure without further documentation, regardless of whether they may possess the citizenship of the Polish People’s Republic”, and vice versa.

¹⁷ “Exchange of letters between Canada and Hungary constituting an agreement concerning certain consular matters and passports (Ottawa, 11 June 1964)” (entry into force on 25 May 1965, *United Nations, Treaty Series*, vol. 862, No. 12356, p. 257), accompanying the Trade Agreement signed the same day, *ibid.*, No. 12355, p. 233.

¹⁸ Case No. 195, vol. 4, *Annual Digest of Public International Law Cases* (1927–1928), p. 300; see also UNRIAA, vol. V (Sales

of this case, that States can in fact consider their nationals to be aliens if the said nationals have an additional nationality. Such an attitude tends to facilitate the expulsion of dual nationals by the State in question. It will be shown later in this report that this behaviour is not sufficient in itself to serve as a basis for expulsion insofar as the individual concerned remains a national of the expelling State until such time as the latter formally deprives him or her of its nationality, and such an individual may claim that nationality to contest the legality of the expulsion.

10. On the second point, specifically concerning the legality of expelling a person with more than one nationality if that person has not first been denationalized by the expelling State, the rule prohibiting the expulsion of a State’s own nationals, proposed by the Special Rapporteur in his third report¹⁹ and unanimously supported by the members of the Commission, tends to support the idea that such an expulsion would be contrary to international law. Yet cases of expulsion of dual nationals without prior denationalization by the expelling State are not unusual in practice. In many cases, the nationality of the individual subject to expulsion is not clear. In order to comply with the obligation of States not to expel their own nationals, some expelling States take the legal precaution of denationalizing the person concerned or refusing to recognize that the person has the nationality of that State on the ground that it has not been sufficiently established. At the same time, practices tending in the opposite direction can also be observed.

11. Requiring the expelling State to denationalize dual nationals prior to expulsion is not without risks, however: the imposition of such an obligation could undermine the expelled person’s right of return. Were the expelled person to return to the expelling State, for example as a result of a change of government, this action would be complicated by the denationalization, since such a person would be treated as an alien requesting admission to a foreign State, or else the expelling State would have to restore its nationality to the person in order to enable the latter to exercise the right of return. It therefore appears that the application of a requirement to change a person’s status from that of a dual national to that of an alien, by means of denationalization, prior to expulsion is not necessarily in the interest of the expelled person, whose rights the Commission seeks to offer the best possible protection through its work on the issue of the expulsion of aliens.

12. In the light of the foregoing, the Special Rapporteur is of the view that:

(a) The principle of the non-expulsion of nationals does not apply to persons with dual or multiple nationality unless the expulsion can lead to statelessness;

(b) The practice of some States and the interests of expelled persons themselves do not support the enactment of a rule prescribing denationalization of a person with dual or multiple nationality prior to expulsion.

No. 1952.V.3), p. 327; see further McDougal, Lasswell and Chen, “Nationality and human rights: the protection of the individual in external arenas”, pp. 900–908.

¹⁹ *Yearbook ... 2007*, vol. II (Part One), document A/CN.4/581, p. 121, para. 57.

13. The legal issues raised by expulsion can be still more complex, depending on whether or not the expelling State is the State of dominant or effective nationality of the person subject to expulsion.

B. Is the expelling State the State of dominant or effective nationality of the person being expelled?

14. As the Special Rapporteur had already stated in his second report,²⁰ he will refrain from entering into a study of the conditions for acquiring nationality, the topic under examination being the expulsion of aliens and not the legal regime of nationality. The Special Rapporteur on diplomatic protection, Mr. John R. Dugard, had shown in his first report²¹ the difficulties of this exercise by indicating the limits to the scope of the *Nottebohm* case, from which, in his view, a general rule should not be inferred.²² Incidentally, the Commission's articles on nationality of natural persons in relation to the succession of States retain "habitual residence in the territory"²³ as a criterion for presumption of nationality.

15. The concept of dominant or effective nationality is established in international law and there is no need to discuss it at length here. It is sufficient to recall that it means the character the nationality possesses when it expresses the attachment of a person to a State by ties (social, cultural, linguistic, etc.) stronger than those which might link the person to another State.²⁴ Although in the practice of States and in the literature a preference for the expression "effective nationality" can be observed, nevertheless the two expressions are used to refer to a rule of international law applicable in the event of multiple nationality. Thus, in the *Nasser Esphahanian v. Bank Tejarat* case, the Iran-United States Claims Tribunal stated that the applicable rule of international law was that of dominant or effective nationality.²⁵

16. The criterion of effective nationality is applied in cases of conflict of nationalities arising from multiple nationality. The principle is that the dominant nationality prevails over the other nationality or nationalities in a case of conflict of nationalities. Relating to expulsion, a distinction should be made between cases of dual nationality and multiple nationality.

17. In the case of dual nationality, it is a question of knowing which of the two States is the State of dominant nationality of the person facing expulsion. If the expelling State is the State of dominant nationality of the person in question, then in principle and logically, the State cannot expel its own national, by virtue of the rule of non-expulsion by a State of its own nationals. Contrary to the view expressed by a member of the Commission, however, this rule is not absolute, as the Special Rapporteur indicated

in his third report.²⁶ In his final report of 20 June 1988, "The right of everyone to leave any country, including his own, and to return to his country", for the Economic and Social Council/Commission on Human Rights, Mr. C. L. C. Mubanga-Chipoya discusses a similar point of view, stating that a national of a State may be expelled from his own State with the consent of the receiving country. He writes:

The expulsion of a national may therefore be carried out with the explicit or implicit consent of the receiving state upon whose demand the state of the national has the duty to readmit its nationals to its territory.²⁷

18. According to the Special Rapporteur, however, while the consent of the State receiving the expelled person is necessary when the person does not have the nationality of that State, this requirement does not appear to apply when the aforementioned receiving State is also one of the two States of which the expelled person has nationality. For even if the receiving State is not the State of dominant or effective nationality of the expelled person, nonetheless there exists between the latter and that State formal legal ties of nationality which the expelled person can invoke if necessary. This State is required to accept its national expelled by the State of dominant nationality by virtue of a rule of international law found, for example, in the Convention regarding the Status of Aliens in the respective Territories of the Contracting Parties, whose article 6 provides that "States are required to receive their nationals expelled from foreign soil who seek to enter their territory".

19. The consent of a State to expulsion can be implicit or presumed. In the *Jama v. Immigration and Customs Enforcement* case,²⁸ the Supreme Court of the United States interpreted United States law as not prescribing prior consent of the receiving country when the United States expelled an alien. While prior consent was considered preferable, the Court ruled that the law did not require it and that it could not presume otherwise. It must be said that in this case the Government of the United States had not sought prior consent because it could not request such consent, the receiving State, Somalia, being in total decay at the time and lacking a functioning government. This interpretation could have been motivated mainly by the fact that the Court felt that the Government could not detain indefinitely an alien awaiting expulsion when the receiving State had categorically refused to accept the expelled person.²⁹ The Court says no more than that, for it refrained from specifically examining obligations under international law.

20. However well founded it may appear, this argument based on the general political situation in the receiving State loses sight of the rights of the individual, in particular the requirement to protect the rights of the expelled person. The chaotic situation of a country with a non-functioning government and general insecurity would not appear to be an appropriate context to receive a person

²⁰ *Yearbook ... 2006*, vol. II (Part One), document A/CN.4/573.

²¹ *Yearbook ... 2000*, vol. II (Part One), p. 205, document A/CN.4/506 and Add.1.

²² *Ibid.*, vol. II (Part Two), pp. 82–85.

²³ Art. 5 (see footnote 6 above).

²⁴ See Salmon, *Dictionnaire de droit international public*, p. 725.

²⁵ See *Iran-United States Claims Tribunal Reports*, vol. 2 (Cambridge, Grotius, 1984), p. 157, case no. 157, judgement of 29 March 1983.

²⁶ *Yearbook ... 2007*, vol. II (Part One), document A/CN.4/581, pp. 120–121, paras. 49–56.

²⁷ E/CN.4/Sub.2/1988/35 and Add.1 and Add.1/Corr.1, para. 116.

²⁸ See 543 U.S. 335 (2005).

²⁹ See, in this connection, *Zadvydas v. Davis*, 533 U.S. 678 (2001) (discussing the case of two aliens, one born in Lithuania and refused entry into Germany, and the other born in Cambodia and also refused entry by Germany, as no repatriation agreement existed).

expelled from abroad. On the contrary, the collapse of the State in a Somalia handed over to the warlords and the widespread violence of armed groups acting with extreme cruelty (the case of the United States soldiers tied to vehicles and dragged through the streets of Mogadishu comes to mind) was likely to endanger the life of the expelled person. Consequently, beyond the relationship strictly between States, the fate of the individual concerned should have been taken into account.

21. The determination of dominant nationality can prove to be particularly difficult in certain cases, as the person subject to expulsion can have more than one dominant nationality, considering that the criterion is “habitual residence”, or even, in addition, economic interests. Indeed, it is not unusual for a person to spend half the year in another country where he or she also has nationality, and moreover, to hold economic interests in both countries. Expelling such a dual national to a third State does not raise any particular legal problems: if draft article 4, paragraph 2, contained in the third report³⁰ were to be retained, expulsion could take place in such cases only for exceptional reasons and with the consent of the receiving State. Then there is expulsion to the other State of nationality. Is such expulsion possible? And on what legal grounds? Can it take place without the consent of this receiving State or is such consent required?

22. In the view of the Special Rapporteur, when the person concerned has two equally dominant nationalities and there is no risk of statelessness arising from his or her expulsion to the other State where he or she also has nationality, expulsion can be envisaged only in two hypothetical cases:

(a) The expelling State allows the person concerned to retain his or her nationality: in this case it should be able to expel the person to the other State of nationality only with its consent;

(b) The expelling State deprives the person of his or her nationality, thereby transforming the person into an alien: in this case the ordinary law on the expulsion of aliens applies, since the expelled person becomes a

person with a single nationality, now possessing only the nationality of the receiving State.

These reflections, which are based neither on State practice nor on any sort of jurisprudence, could at best lead to the progressive development of international law on that subject. It would still be necessary to establish the practical need for such development of the law, which the Special Rapporteur doubts.

23. The problem appears even more complex when the expulsion involves a person with several nationalities. In this case, the conflict of nationalities would concern not just two States as in the case of dual nationality, but at least three States, or even more. If only one or two of these States is the State of dominant nationality of the person facing expulsion, the preceding reasoning in the event of expulsion by one of the States of dominant nationality to the other State of dominant nationality should apply. On the other hand, different problems arise if the expulsion takes place from a State of dominant nationality to a State that is not the State of dominant nationality, or from the latter to a State of dominant nationality. In the first example, should the expelling State denationalize the person facing expulsion so that it is not in the position of expelling its own national or so that it need not obtain the prior consent of the receiving State which is not a State of dominant nationality? In the second example, can the expelling State, which is not the State of dominant nationality, expel the person to a receiving State that is the State of dominant nationality without requesting the latter’s consent or denationalizing the person in advance, since the receiving State is the State of effective nationality?

24. These are just some of the questions that can be raised by these considerations based on the nationality of the person facing expulsion, taking into account, in cases of multiple nationality entailing a positive conflict of nationalities, the criterion of dominant or non-dominant nationality. The Special Rapporteur continues to doubt the interest and practical utility of entering into such considerations at this stage. He believes that these various scenarios could more appropriately be addressed in the framework of a study on protection of the property rights of expelled persons, which he plans to undertake later, in a report devoted to that question among others.

³⁰ *Yearbook ... 2007*, vol. II (Part One), document A/CN.4/581, p. 121, para. 57.

CHAPTER II

Loss of nationality, denationalization and expulsion

25. Loss of nationality and denationalization do not refer to exactly the same legal mechanism, even though their consequences are similar in the case of expulsion.

A. Loss of nationality and denationalization

1. LOSS OF NATIONALITY

26. A large number of States prevent their nationals from holding another nationality. In these cases, the acquisition

of another nationality automatically leads to a loss of the nationality of the State whose legislation proscribes such acquisition.³¹

³¹ For example, after listing the various cases in which Cameroonian nationality is acquired “by virtue of filiation” and “by virtue of birth in Cameroon”, Law No. 68-LF-3 of 11 June 1968, establishing the Cameroon Nationality Code (*Journal officiel de la République fédérale du Cameroun*, 15 July 1968), provides in section 12 that: “The acquisition of Cameroon nationality extends automatically to any person unable to claim any other nationality of origin if that person was born

27. Loss of nationality is the consequence of an individual's voluntary act, whereas denationalization is a State decision of a collective or individual nature. Legislation pertaining to the loss of nationality can be found in various countries on all continents: Algeria,³² Andorra,³³ Angola,³⁴ Argentina,³⁵ Armenia,³⁶ Austria,³⁷ Azerbaijan,³⁸ Bahamas,³⁹ Bahrain,⁴⁰ Bangladesh,⁴¹ Belgium,⁴² Bhutan,⁴³ Bolivia,⁴⁴ Botswana,⁴⁵ Brazil,⁴⁶ Brunei Darussalam,⁴⁷

in Cameroon." Section 31, contained in chapter IV, entitled "Loss and forfeiture", is more specifically concerned with loss of nationality and provides that:

"Cameroon nationality is lost by:

"(a) Any Cameroon adult national who wilfully acquires or keeps a foreign nationality;

"(b) ...;

"(c) Any person who, occupying a post in a public service of an international or foreign body, retains that post notwithstanding an injunction by the Cameroonian Government to resign it."

³² United States Office of Personnel Management, Investigations Service, *Citizenship Laws of the World* (IS-1 of March 2001), p. 15 (citing the Code of Algerian Nationality of 15 December 1978).

³³ *Ibid.*, p. 16.

³⁴ *Ibid.*, p. 17 (citing Law No. 13/91 of 13 May 1991).

³⁵ *Ibid.*, p. 19 (citing Argentine Citizenship Law No. 346) (except for dual nationality with Spain); see, however, Boll, *Multiple Nationality and International Law*, pp. 311–313 (affirming that only citizenship or political rights are lost rather than nationality).

³⁶ *Citizenship Laws of the World* (see footnote 32 above), p. 20 (citing the Constitution of Armenia of 5 July 1995 and the Citizenship Law of 26 November 1995); see also Rudko, "Regulation of multiple nationality by bilateral and multilateral agreements", citing article 14 of the Constitution of Armenia, p. 112).

³⁷ Boll, *op. cit.*, p. 320 (indicating that a request to retain nationality must be submitted in advance, and that approval is given only if this is in the national interest); see also *Citizenship Laws of the World* (footnote 32 above), p. 24 (citing the Citizenship Law of 1965, as amended, although exceptions are provided for).

³⁸ *Citizenship Laws of the World* (see footnote 32 above), p. 25 (although exceptions are provided for, particularly concerning treaties); see also Rudko, *loc. cit.* (citing the Law on Citizenship and the Constitution, sect. 32, art. 109).

³⁹ *Citizenship Laws of the World* (see footnote 32 above), p. 26 (citing the Constitution of the Bahamas of 10 July 1973).

⁴⁰ *Ibid.*, p. 27 (citing the Bahraini Nationality Law of 16 September 1963).

⁴¹ *Ibid.*, p. 28 (citing the Bangladesh Citizenship Order of 1972, although exceptions are provided for).

⁴² *Ibid.*, p. 31 (citing the Code of Belgian Nationality of 28 June 1984, amended on 1 January 1992); see also Boll, *op. cit.*, pp. 330–331 (noting the exception of nationality imposed on an individual without voluntary action and that in certain circumstances nationality may be retained by submitting a petition to that effect once every 10 years).

⁴³ *Citizenship Laws of the World* (see footnote 32 above), p. 35 (citing the 1958 Nationality Law of Bhutan and the Bhutan Citizenship Act of 1977, amended in 1985).

⁴⁴ *Ibid.*, p. 36 (although exceptions are provided for, particularly for Latin American States and Spain).

⁴⁵ *Ibid.*, p. 38 (citing the Constitution and Citizenship Act of Botswana of 31 December 1982).

⁴⁶ *Ibid.*, p. 39 (citing Constitutional Amendment No. 3 of 6 June 1994 and Law No. 818 of 18 September 1949, amended by Decree Law No. 961 of 13 October 1969, although exceptions are provided for).

⁴⁷ *Ibid.*, p. 40 (citing information provided by the diplomatic mission to the United States).

Burundi,⁴⁸ Cambodia,⁴⁹ Cameroon,⁵⁰ China,⁵¹ Congo,⁵² Croatia,⁵³ Cuba,⁵⁴ Czech Republic,⁵⁵ Democratic People's Republic of Korea,⁵⁶ Democratic Republic of the Congo,⁵⁷ Denmark,⁵⁸ Djibouti,⁵⁹ Dominican Republic,⁶⁰ Ecuador,⁶¹ Egypt,⁶² Equatorial Guinea,⁶³ Eritrea,⁶⁴ Estonia,⁶⁵ Fiji,⁶⁶

⁴⁸ *Ibid.*, p. 43 (citing the Burundian Nationality Code of 10 August 1971).

⁴⁹ *Ibid.*, p. 44 (citing Decree No. 913–NS of 20 November 1954 and Law No. 904–NS of 27 September 1954).

⁵⁰ *Ibid.*, p. 45 (citing Ordinances No. 2 of 1959 and No. 68 of 1968, providing for an exception in the case of marriage to a foreign national).

⁵¹ *Ibid.*, p. 51 (citing the Nationality Law of the People's Republic of China of 10 September 1980; and the Interpretations of the Standing Committee of the National People's Congress on the Implementation of the Nationality Law of the People's Republic of China in the Macao Special Administrative Region of 20 December 1999 (on citizenship laws concerning Macao); see also Boll, *op. cit.*, p. 343).

⁵² *Ibid.*, p. 56 (citing the Congolese Nationality Code and the Regulation bringing it into effect on 29 July 1961).

⁵³ *Ibid.*, p. 59 (citing the Law of Croatian Citizenship of June 1991) (however, revocation of nationality is not automatic upon the adoption of a subsequent nationality but dependent on the State's releasing the individual from nationality).

⁵⁴ *Ibid.*, p. 60 (citing information provided by the Cuban Interest Section of the Swiss diplomatic mission to the United States) (however, revocation of nationality is not automatic upon the adoption of a subsequent nationality but dependent on the State's releasing the individual from nationality).

⁵⁵ *Ibid.*, p. 62 (citing the Act on the Acquisition and Loss of Citizenship of 1 January 1993, as amended by Law No. 272 of 12 October 1993, Law No. 140 of 28 June 1995 and Law No. 139 of 26 April 1996) (although exceptions are provided for, including in the case of marriage to a foreign national); see also Boll, *op. cit.*, p. 360 (noting an exception in the case of marriage).

⁵⁶ *Citizenship Laws of the World* (see footnote 32 above), p. 109 (citing the Nationality Law of 9 October 1963) (although revocation of nationality is not automatic upon adoption of a subsequent nationality but dependent on the State's releasing the individual from nationality).

⁵⁷ *Ibid.*, p. 55 (citing the Congolese Civil Code and the Special Law on Congolese Nationality, although exceptions are provided for).

⁵⁸ *Ibid.*, p. 64 (citing the Danish Nationality Law); (although an exception is provided for in the case of marriage to a foreign national). See, however, the report of the Secretary-General of 28 December 1998 on human rights and arbitrary deprivation of nationality (E/CN.4/1999/56 and Add.1–2, para. 4) (citing Denmark's reply of 22 October 1998: "Denmark signed the European Convention on Nationality on 6 November 1997 in Strasbourg ... Arbitrary deprivation of nationality does not occur in Denmark.").

⁵⁹ *Citizenship Laws of the World* (see footnote 32 above), p. 65 (citing Law No. 200/AN/81 of 24 October 1981).

⁶⁰ *Ibid.*, p. 67 (citing article 11 of the Constitution of the Dominican Republic).

⁶¹ *Ibid.*, p. 68 (citing the Constitution of Ecuador of 1998) (although an exception is provided for concerning the treaty with Spain).

⁶² *Ibid.*, p. 69 (citing Law No. 17 of 22 June 1958) (however, revocation of nationality is not automatic upon the adoption of a subsequent nationality but dependent on the State's releasing the individual from nationality); see also Boll, *op. cit.*, p. 369 (noting that Egyptian nationality is retained if the individual does not obtain permission to naturalize elsewhere, or if such permission is obtained and the individual files a declaration of retention).

⁶³ *Citizenship Laws of the World* (see footnote 32 above), p. 72 (citing information provided by the diplomatic mission to the United States).

⁶⁴ *Ibid.*, p. 73 (citing the Eritrean Nationality Proclamation) (although exceptions could be provided for in the future).

⁶⁵ *Ibid.*, p. 74 (citing the Estonian Law of 19 January 1995 (in force as of 1 April 1995)); see also Rudko, *loc. cit.* (citing articles 1 and 3 of the Law on Citizenship); see further E/CN.4/1999/56 and Add.1–2 (footnote 58 above), mentioning articles 22 and 26–29 of the Law of Citizenship (para. 7) and citing Estonia's reply of 29 September 1998: "As of today no cases of arbitrary deprivation of nationality have been brought before Estonian courts" (para. 10).

⁶⁶ *Citizenship Laws of the World* (see footnote 32 above), p. 76 (citing the 1997 Federal Constitution); see also Boll, *op. cit.*, p. 373.

Finland,⁶⁷ Gabon,⁶⁸ Gambia,⁶⁹ Georgia,⁷⁰ Germany,⁷¹ Ghana,⁷² Guatemala,⁷³ Guinea,⁷⁴ Guinea-Bissau,⁷⁵ Guyana,⁷⁶ Haiti,⁷⁷ Honduras,⁷⁸ India,⁷⁹ Indonesia,⁸⁰ Japan,⁸¹ Kazakhstan,⁸² Kenya,⁸³ Kiribati,⁸⁴ Kuwait,⁸⁵ Kyrgyzstan,⁸⁶

⁶⁷ *Citizenship Laws of the World* (see footnote 32 above), p. 77 (citing the Finnish Citizenship Act of 28 June 1968, amended in 1984) (although exceptions are provided for); see also Boll, *op. cit.*, p. 377 (noting that Finland modified its legislation in 2003 in order to accept dual nationality when sufficient links are maintained with Finland).

⁶⁸ *Citizenship Laws of the World* (see footnote 32 above), p. 79 (citing information provided by the diplomatic mission to the United States).

⁶⁹ *Ibid.*, p. 80 (citing the Constitution) (although an exception is provided for in the case of marriage to a foreign national).

⁷⁰ See Rudko, *loc. cit.* (citing article 12 of the Constitution and article 1 of its law on citizenship).

⁷¹ *Ibid.*, p. 82 (citing German citizenship law) (although exceptions are provided for); see also Boll *op. cit.*, p. 385 (also noting the exceptions to the rule of revocation).

⁷² *Citizenship Laws of the World* (see footnote 32 above), p. 83 (citing the Constitution of Ghana of April 1992) (although an exception is provided for in the case of marriage to a foreign national); see also the report of the Secretary-General E/CN.4/1999/56 and Add.1–2 (footnote 58 above), para. 15 (citing Ghana's reply of 9 November 1998: "While a lot is to be said for the right to a nationality as a human right one cannot overlook the other side of the coin, namely the effect of such a right on the principle of State sovereignty").

⁷³ *Citizenship Laws of the World* (see footnote 32 above), p. 86 (citing the Constitution of Guatemala) (although exceptions are provided for where treaties with some other Central and South American States are concerned).

⁷⁴ *Ibid.*, p. 87.

⁷⁵ *Ibid.*, p. 88 (citing the Law of Nationality of 1973).

⁷⁶ *Ibid.*, p. 89 (citing the Constitution of Guyana of 1980) (although an exception is provided for in the case of marriage to a foreign national).

⁷⁷ *Ibid.*, p. 90 (citing the Constitution of Haiti).

⁷⁸ *Ibid.*, p. 91 (citing the Constitution of Honduras) (although many exceptions are provided for, including on the basis of treaties).

⁷⁹ *Ibid.*, p. 94 (citing the Citizenship Act of 1955); see also Boll, *op. cit.*, p. 409.

⁸⁰ *Citizenship Laws of the World* (see footnote 32 above), p. 95 (citing the Nationality Laws of 1 January 1946, as amended on 1 August 1958) (although exceptions are provided for); see also Boll, *op. cit.*, p. 412 (noting the existence of exceptions).

⁸¹ *Citizenship Laws of the World* (see footnote 32 above), p. 103 (citing the Nationality Act of 4 May 1950); see also Boll, *op. cit.*, p. 436.

⁸² *Citizenship Laws of the World* (see footnote 32 above), p. 105 (citing the Law on Citizenship for the Republic of Kazakhstan of 1 March 1992) (although exceptions are possible under treaties concluded with some former Soviet republics).

⁸³ *Ibid.*, p. 106 (citing the Kenyan Constitution); see also Boll, *op. cit.*, p. 439.

⁸⁴ *Citizenship Laws of the World* (see footnote 32 above), p. 108 (citing the Kiribati Independence Order of 12 July 1979) (although an exception is provided for in the case of marriage to a foreign national).

⁸⁵ *Ibid.*, p. 112 (citing the Constitution of Kuwait); see also E/CN.4/1999/56 and Add.1–2 (footnote 58 above), citing Amiral Decree No. 15 of 1959, as amended, art. 4, para. 5, and arts. 13, 14 and 21 *bis* (para. 20) and Kuwait's reply of 30 October 1998: "Matters relating to nationality are of great importance to the State insofar as they involve aspects that affect the homeland, as well as considerations concerning the sovereign entity of the State, its internal and external security and its social and economic situation and circumstances, in addition to the fact that nationality implies a bond of loyalty and a sense of patriotism in the absence of which it becomes necessary and even essential to withdraw citizenship status from a person who has acquired it" (para. 19).

⁸⁶ *Citizenship Laws of the World* (see footnote 32 above), p. 113 (citing the draft Constitution of 5 May 1993) (although exceptions are possible under treaties concluded with former Soviet republics); see also Rudko, *loc. cit.*, citing the Constitution, art. 13; the law of the Kyrgyz Republic, art. 5; the Agreement between Belarus, Kazakhstan, Kyrgyzstan and the Russian Federation; and the Russian Federation-Kyrgyzstan Agreement (simplified procedure for acquiring citizenship)).

Lao People's Democratic Republic,⁸⁷ Latvia,⁸⁸ Lesotho,⁸⁹ Liberia,⁹⁰ Libyan Arab Jamahiriya,⁹¹ Lithuania,⁹² Luxembourg,⁹³ Madagascar,⁹⁴ Malawi,⁹⁵ Malaysia,⁹⁶ Malta,⁹⁷ Marshall Islands,⁹⁸ Mauritania,⁹⁹ Micronesia (Federated States of),¹⁰⁰ Moldova,¹⁰¹ Monaco,¹⁰² Mongolia,¹⁰³

⁸⁷ *Citizenship Laws of the World* (see footnote 32 above), p. 114 (citing the Law of Laotian Citizenship of 29 November 1990) (although revocation of nationality is not automatic upon adoption of a subsequent nationality but dependent on the State's releasing the individual from nationality).

⁸⁸ *Ibid.*, p. 115 (citing the Citizenship Law of the Republic of Latvia); see also Rudko, *loc. cit.* (citing the Constitutional Law, art. 5, and the Law on Citizenship, arts. 1 and 9) (although revocation of nationality is not automatic upon adoption of a subsequent nationality but dependent on the State's releasing the individual from nationality); see further Boll, *op. cit.*, p. 445 (indicating that revocation of Latvian nationality is possible through a court decision).

⁸⁹ *Citizenship Laws of the World* (see footnote 32 above), p. 118 (citing the 1993 revised Constitution and the 1971 Lesotho Citizenship Order) (although exceptions are provided for in the case of marriage to a foreign national).

⁹⁰ *Ibid.*, p. 119 (citing the Constitution of the Republic of Liberia).

⁹¹ *Ibid.*, p. 120 (citing the 1954 Nationality Law No. 17 and the 1979 Law No. 3).

⁹² *Ibid.*, p. 122 (citing the Law on Citizenship of the Republic of Lithuania of 5 December 1991); see also Rudko, *loc. cit.* (citing the Constitution, art. 12, and the Law of the Lithuanian Republic, art. 1).

⁹³ *Citizenship Laws of the World* (see footnote 32 above), p. 123 (citing the Law of 1 January 1987); see also Boll, *op. cit.*, p. 450.

⁹⁴ *Citizenship Laws of the World* (see footnote 32 above), p. 124 (citing Ordinance No. 60–064 of 22 July 1960) (although exceptions are provided for in the case of marriage to a foreign national).

⁹⁵ *Ibid.*, p. 125 (citing the Malawi Citizenship Act of 6 July 1966) (although exceptions are provided for in the case of marriage to a foreign national).

⁹⁶ *Ibid.*, p. 126 (citing the Constitution of Malaysia); see also Boll, *op. cit.*, p. 454 (noting that revocation is discretionary).

⁹⁷ *Citizenship Laws of the World* (see footnote 32 above), p. 129 (citing the 1964 Constitution, as amended, and the Maltese Citizenship Act) (although exceptions are provided for).

⁹⁸ *Ibid.*, p. 130 (citing the Constitution of the Marshall Islands of 21 December 1978 and its Immigration Law) (although exceptions are provided for in the case of marriage to a foreign national).

⁹⁹ *Ibid.*, p. 131 (citing the Nationality Code of 12 June 1961) (although an exception is provided for in the case of marriage to a foreign national).

¹⁰⁰ *Ibid.*, p. 134 (citing the Citizenship and Naturalization Act of 10 May 1979).

¹⁰¹ *Ibid.*, p. 135 (citing the Law of Citizenship of 23 June 1990); see also Rudko, *loc. cit.* (citing the Constitution, art. 18, and the Law on Citizenship of Moldova, art. 4).

¹⁰² *Citizenship Laws of the World* (see footnote 32 above), p. 136 (citing the Acquisition of Monegasque Nationality of 1 January 1987); see also E/CN.4/1999/56 and Add.1–2 (footnote 58 above), paras. 21–23 (citing Monaco's reply of 19 September 1998); the Constitution of 17 December 1962, art. 18 ("Loss of Monegasque nationality in any other circumstances may occur only as a result of the intentional acquisition of another nationality or of service unlawfully carried out in a foreign army"); Act No. 572 of 18 November 1952, arts. 5 and 6 (concerning the acquisition of Monegasque nationality); Act No. 1155 of 18 December 1992, chaps. III–V, sect. I (concerning nationality); and Ordinance No. 10.822 of 22 February 1993.

¹⁰³ *Citizenship Laws of the World* (see footnote 32 above), p. 137 (citing the Constitution of Mongolia of 13 January 1992) (although revocation of nationality is not automatic upon adoption of a subsequent nationality but dependent on the State's releasing the individual from nationality upon application).

Mozambique,¹⁰⁴ Myanmar,¹⁰⁵ Namibia,¹⁰⁶ Nauru,¹⁰⁷ Nepal,¹⁰⁸ the Netherlands,¹⁰⁹ Nicaragua,¹¹⁰ the Niger,¹¹¹ Norway,¹¹² Oman,¹¹³ Pakistan,¹¹⁴ Palau,¹¹⁵ Panama,¹¹⁶ Papua New Guinea,¹¹⁷ Philippines,¹¹⁸ Qatar,¹¹⁹ Republic of Korea,¹²⁰ Russian Federation,¹²¹ Rwanda,¹²² Sao Tome and Principe,¹²³ Saudi Arabia,¹²⁴ Senegal,¹²⁵ Seychelles,¹²⁶

¹⁰⁴ *Ibid.*, p. 139 (citing the 1975 Law of Nationality, as amended in November 1990).

¹⁰⁵ *Ibid.*, p. 140 (citing information provided by the diplomatic mission to the United States).

¹⁰⁶ *Ibid.*, p. 141 (citing the Constitution of the Republic of Namibia of 21 March 1990).

¹⁰⁷ *Ibid.*, p. 142 (citing the Constitution of 30 January 1968 and the Nauruan Community Ordinance of 1956–1966).

¹⁰⁸ *Ibid.*, p. 143 (citing the Constitution, as amended in 1990, and the Nepal Citizenship Act of 1964).

¹⁰⁹ *Ibid.*, p. 144 (citing the Nationality Act of 1984) (although exceptions are provided for); see also Boll, *op. cit.*, p. 465 (noting exceptions to revocation if the nationality acquired is based on birth in another State or if the individual has only lived in the foreign State as a minor for not more than five years; these exceptions do not apply, however, to certain nationalities such as those of Austria, Belgium, Denmark, Luxembourg and Norway).

¹¹⁰ *Citizenship Laws of the World* (see footnote 32 above), p. 147 (citing the Constitution of Nicaragua) (although exceptions are provided for under treaties with Central American and other countries).

¹¹¹ *Ibid.*, p. 148 (citing information provided by the diplomatic mission to the United States).

¹¹² *Ibid.*, p. 150 (citing the Norwegian Nationality Act of 8 December 1950) (although exceptions are provided for); see also Boll, *op. cit.*, p. 475 (noting that exceptions are provided for).

¹¹³ *Citizenship Laws of the World* (see footnote 32 above), p. 151 (citing information provided by the diplomatic mission to the United States) (although revocation of nationality is not automatic upon adoption of a subsequent nationality but dependent on the State's releasing the individual from nationality).

¹¹⁴ *Ibid.*, p. 152 (citing the Pakistan Citizenship Act of 13 April 1951).

¹¹⁵ *Ibid.*, p. 153 (citing the 1994 Constitution).

¹¹⁶ *Ibid.*, p. 155 (citing the Panamanian Constitution).

¹¹⁷ *Ibid.*, p. 156 (citing the Constitution of 16 September 1975 and the Citizenship Act of 13 February 1976) (although exceptions are provided for in the case of marriage to a foreign national).

¹¹⁸ *Ibid.*, p. 159 (citing the Constitution of the Philippines of 2 February 1987); see also Boll, *op. cit.*, p. 484 (noting that revocation applies only if the person concerned must swear an oath of allegiance in another country and that persons who are Philippine nationals by birth may resume nationality later).

¹¹⁹ *Citizenship Laws of the World* (see footnote 32 above), p. 162 (citing Law No. 2 of 1961, as amended by Law No. 19 of 1963 and Law No. 17 of 1966).

¹²⁰ *Ibid.*, p. 110 (citing the Nationality Act of 13 December 1997, later amended); see also Boll, *op. cit.*, p. 442.

¹²¹ *Citizenship Laws of the World* (see footnote 32 above), pp. 164–165 (citing the Law on Citizenship of 6 February 1992) (although exceptions are provided for under treaties with other States); see also Rudko, *loc. cit.* (citing the Constitution, arts. 6 and 62; the Law on Dual Citizenship, art. 3; the 1993 Agreement between the Russian Federation and Turkmenistan on the regulation of dual citizenship matters, *Diplomatskii vestnik* (1994), No. 1–2, pp. 24–25; and the 1995 Agreement between the Russian Federation and the Republic of Tajikistan on regulation of dual citizenship matters, *ibid.* (October 1995), No. 10, pp. 23–26).

¹²² *Citizenship Laws of the World* (see footnote 32 above), p. 166 (citing the Code of Rwandese Nationality of 28 September 1963).

¹²³ *Ibid.*, p. 171 (citing the Law of Nationality of 13 September 1990).

¹²⁴ *Ibid.*, p. 172 (citing the Saudi Nationality Law).

¹²⁵ *Ibid.*, p. 173 (citing the 1960 Code of Nationality, as amended in 1989) (although revocation of nationality is not automatic upon adoption of a subsequent nationality but dependent on the State's releasing the individual from nationality).

¹²⁶ *Ibid.*, p. 174 (citing the 1970 Constitution and the Citizenship of Seychelles Act of 29 June 1976).

Sierra Leone,¹²⁷ Singapore,¹²⁸ Solomon Islands,¹²⁹ South Africa,¹³⁰ Spain,¹³¹ Sri Lanka,¹³² Sudan,¹³³ Swaziland,¹³⁴ Syrian Arab Republic,¹³⁵ Thailand,¹³⁶ Tonga,¹³⁷ Turkey,¹³⁸ Uganda,¹³⁹ Ukraine,¹⁴⁰ United Arab Emirates,¹⁴¹ United Republic of Tanzania,¹⁴² Uzbekistan,¹⁴³ Vanuatu,¹⁴⁴

¹²⁷ *Ibid.*, p. 175 (citing the 1961 Law of Citizenship).

¹²⁸ *Ibid.*, p. 176 (citing the Constitution of Singapore of 9 August 1965); see also Boll, *op. cit.*, p. 503.

¹²⁹ *Citizenship Laws of the World* (see footnote 32 above), p. 180 (citing the Solomon Islands Independence Order No. 783 of 7 July 1978).

¹³⁰ *Ibid.*, p. 182 (citing the South African Citizenship Act, 1995 (Act No. 88 of 1995), as amended) (although exceptions are provided for); see also Boll, *op. cit.*, p. 512 (noting that nationality may be retained provided permission has been granted).

¹³¹ *Citizenship Laws of the World* (see footnote 32 above), p. 184 (citing articles 17–26 of the Civil Code, modified by Laws Nos. 18/1990 and 29/1995) (although exceptions are made under treaties with Argentina, Bolivia, Chile, Costa Rica, the Dominican Republic, Ecuador, Guatemala, Honduras, Nicaragua, Paraguay and Peru); see also Boll *op. cit.*, p. 515 (noting that revocation is possible only if the person concerned resides abroad for three years, unless Spain is at war or the person concerned has notified the authorities of his or her intention to preserve Spanish nationality).

¹³² *Citizenship Laws of the World* (see footnote 32 above), p. 185 (citing the Citizenship Act of Sri Lanka of 22 May 1972, as amended in 1987) (although exceptions are provided for).

¹³³ *Ibid.*, p. 186 (citing the Law of Sudanese Nationality No. 22 of 1957; Law No. 55 of 1970; and Law No. 47 of 1972).

¹³⁴ *Ibid.*, p. 188 (citing information provided by the diplomatic mission to the United States) (although an exception is provided for in the case of nationality acquired by birth, which cannot be revoked).

¹³⁵ *Ibid.*, p. 192 (citing information provided by the diplomatic mission to the United States); see also Boll, *op. cit.*, p. 527 (noting that the person concerned may be permitted to retain nationality, but that foreign nationality is usually not recognized and nationality is retained regardless).

¹³⁶ *Citizenship Laws of the World* (see footnote 32 above), p. 196 (citing the Nationality Act of 1965, with amendments Nos. 2 AD 1992 and 3 AD 1993); see also Boll, *op. cit.*, p. 533.

¹³⁷ *Citizenship Laws of the World* (see footnote 32 above), p. 199 (citing the Nationality Act, as amended 1915 through 1988; 2 Laws of Tonga, chap. 59 (1988 rev. ed.)); see also Boll, *op. cit.*, p. 536.

¹³⁸ *Citizenship Laws of the World* (see footnote 32 above), p. 202 (citing the Turkish Constitution, art. 66, and Law No. 403 of the 1964 Turkish Citizenship Law); see also Boll, *op. cit.*, p. 542 (revocation is discretionary; authorization to retain nationality is possible).

¹³⁹ *Citizenship Laws of the World* (see footnote 32 above), p. 205 (citing the Constitution of Uganda).

¹⁴⁰ *Ibid.*, p. 206 (citing the 1991 Statute on Citizenship); see also Rudko, *loc. cit.* (citing the Law on Succession of Ukraine of 12 September 1991, arts. 6–7; the Convention between Ukraine and the Socialist Federal Republic of Yugoslavia of 22 May 1956 (succession to convention assumed); the Convention between Ukraine and Hungary of 24 August 1957; the Convention between Ukraine and Romania of 4 September 1957; the Convention between Ukraine and Albania of 18 September 1957; the Convention between Ukraine and Czechoslovakia of 5 October 1957; the Convention between Ukraine and Bulgaria of 12 December 1957; the Convention between Ukraine and the Democratic People's Republic of Korea of 16 December 1957; the Convention between Ukraine and Poland of 21 January 1958; and the Convention between Ukraine and Mongolia of 25 August 1958).

¹⁴¹ *Citizenship Laws of the World* (see footnote 32 above), p. 207 (citing Nationality Law No. 17 of 1 January 1972, as amended by Law No. 10 of 1975).

¹⁴² *Ibid.*, p. 195 (citing the Tanzanian Citizenship Act No. 6 of October 1995) (although exceptions are provided for in case of marriage to a foreign national).

¹⁴³ *Ibid.*, p. 211 (citing the Citizenship Law).

¹⁴⁴ *Ibid.*, p. 212 (citing the Constitution of 30 July 1983, sect. 10); see also Boll, *op. cit.*, p. 559.

Venezuela (Bolivarian Republic of),¹⁴⁵ Viet Nam,¹⁴⁶ Yemen,¹⁴⁷ Zambia¹⁴⁸ and Zimbabwe;¹⁴⁹ in other words, the vast majority of States.¹⁵⁰ In principle, these legal provi-

¹⁴⁵ *Citizenship Laws of the World* (see footnote 32 above), p. 213 (citing the Constitution).

¹⁴⁶ *Ibid.*, p. 214 (citing the Law of Vietnamese Nationality, as revised on 15 July 1988).

¹⁴⁷ *Ibid.*, p. 216 (citing Citizenship Law No. 2 of 1975).

¹⁴⁸ *Ibid.*, p. 218 (citing the Constitution) (although an exception is provided for in case of marriage to a foreign national).

¹⁴⁹ *Ibid.*, p. 219 (citing the Constitution); see also Boll, *op. cit.*, p. 565.

¹⁵⁰ The following States do not withdraw their nationality from individuals possessing another nationality: Antigua and Barbuda (*Citizenship Laws of the World* (see footnote 32 above), p. 18 (citing the Citizenship Law of 1 November 1981)); Australia (*ibid.*, pp. 22–23 (citing the Australian Citizenship Act of 1948)); Barbados (*ibid.*, p. 29 (citing the Constitution)); Belarus (*ibid.*, p. 30 (citing the Law of the Republic of Belarus, Laws of Citizenship of 18 October 1991); see also Rudko, *loc. cit.*, citing the Law on Citizenship, art. 1, and the Agreement between Belarus and Kazakhstan; and Boll, *op. cit.*, p. 327 (indicating that Belarus amended its legislation in 2002 to abolish automatic revocation of nationality in case of naturalization in another State)); Belize (*Citizenship Laws of the World* (see footnote 32 above), pp. 32–33 (citing the Belize Nationality Act, chap. 127A of the Laws of Belize, R.E. 1980–1990)); Benin (*ibid.*, p. 34 (citing the Law of Civil Rights)); Bulgaria (*ibid.*, p. 41 (citing the Law on Bulgarian Citizenship of November 1998)); Burkina Faso (*ibid.*, p. 42 (not prohibited)); Canada (*ibid.*, p. 46 (citing the Canadian Citizenship Act of 1947, the Citizenship Act and the Citizenship Regulations of 1977)); Cape Verde (*ibid.*, p. 47 (citing information provided by the diplomatic mission to the United States)); Central African Republic (*ibid.*, p. 48 (citing the Constitution of 7 January 1995)); Chile (*ibid.*, p. 50 (citing information provided by the diplomatic mission to the United States) (although exceptions are provided for by treaty with respect to Spanish nationality); see also the July 1991 repatriation agreement between Chile, IOM and UNHCR, *Diario oficial de la Republica de Chile* (19 February 1992), art. II (allowing the return of Chilean refugees, including those who had lost Chilean nationality through naturalization abroad in the asylum State); see further Boll, *op. cit.*, p. 340 (noting that Chile revised its constitutional provisions in 2005 to allow dual nationality)); Colombia (*Citizenship Laws of the World* (see footnote 32 above), p. 53 (citing the Constitution of July 1991 and Citizenship Law No. 43 of 1 February 1993)); Costa Rica (*ibid.*, p. 57 (citing the Constitution)); Côte d'Ivoire (*ibid.*, p. 58 (citing information provided by the diplomatic mission to the United States); see also Boll, *op. cit.*, p. 429); Cyprus (*Citizenship Laws of the World* (see footnote 32 above), p. 61 (citing the Republic Law of 1967)); Timor-Leste (Boll, *op. cit.*, p. 363 (citing the Constitution of 20 May 2002 and Law No. 9/2002 on citizenship of 5 November 2002)); El Salvador (*Citizenship Laws of the World* (see footnote 32 above), p. 71 (citing the Salvadoran Constitution) (although only those who are Salvadorans by birth have the right to enjoy dual nationality)); France (*ibid.*, p. 78 (citing the French Nationality Code); see also Boll *op. cit.*, p. 382 (noting, however, that France is a party to the Convention on reduction of cases of multiple nationality and military obligations in cases of multiple nationality and its Second Protocol)); Greece (*Citizenship Laws of the World* (see footnote 32 above), p. 84 (citing the Code of Greek Citizenship, as amended in 1968 and 1984) (although revocation of nationality is not automatic upon adoption of a subsequent nationality but dependent on the State's releasing the individual from nationality)); see also Boll, *op. cit.*, p. 391 (noting that nationality is not automatically lost upon naturalization elsewhere, although some exceptions to this rule are provided for). Greece could alternatively be placed in the automatic revocation list because it apparently reserves the power to revoke; Grenada (*Citizenship Laws of the World* (see footnote 32 above), p. 85 (citing the Grenada Constitution Order of 19 December 1973)); Hungary (*ibid.*, p. 92 (citing Law No. 55 of 1 June 1993)); Iceland (*ibid.*, p. 93 (citing the Icelandic Nationality Act of 23 December 1952, as amended on 11 May 1982 and 12 June 1998) (although some exceptions are provided for); see also Boll, *op. cit.*, p. 406 (noting that the legislation was amended in 2003 to allow the retention of dual nationality provided that the individual had ties to Iceland)); Ireland (*Citizenship Laws of the World* (see footnote 32 above), p. 99 (citing the Irish Nationality and Citizenship Act of 1956)); Iran (Islamic Republic of) (*ibid.*, p. 97 (citing the Iranian Civil Code) (although revocation of nationality is not automatic upon adoption of a

sions entail no risk of statelessness, insofar as the person concerned can retain the nationality which he or she

subsequent nationality but dependent on the State's releasing the individual from nationality)); see also Boll, *op. cit.*, p. 415 (noting that naturalization elsewhere may lead to loss of property and disqualification from holding government office)); Israel (*Citizenship Laws of the World* (see footnote 32 above), p. 100 (citing the Citizenship Law of 1952, as amended in 1968); see also Boll, *op. cit.*, p. 423 (noting an exception for the acquisition of the nationality of a "hostile" State, which leads to revocation)); Italy (*Citizenship Laws of the World* (see footnote 32 above), p. 101 (citing the Italian Law on Nationality, as amended on 5 February 1992); see also Boll, *op. cit.*, p. 427 (noting an exception with regard to a State at war with Italy, and pointing out that Italy is a party to the Convention on reduction of cases of multiple nationality and military obligations in cases of multiple nationality) (also noting that failure to notify the Italian authorities of the acquisition of another nationality is subject to a fine)); Jamaica (*Citizenship Laws of the World* (see footnote 32 above), p. 102 (citing the Jamaican Nationality Act of 1962, as amended on 2 March 1993)); Jordan (*ibid.*, p. 104 (citing the Jordanian Citizenship Act of 1954) (although acquisition of a second nationality is subject to prior authorization unless it is the nationality of an Arab State)); Lebanon (*ibid.*, p. 117 (citing information provided by the diplomatic mission to the United States)); Maldives (*ibid.*, p. 127); Mali (*ibid.*, p. 128 (citing the Code of Nationality, regulation No. 95–098 of 1995)); Mauritius (*ibid.*, p. 132 (citing the Mauritius Independence Order of 4 March 1968)); Mexico (*ibid.*, p. 133 (citing the Federal Constitution, as amended on 20 March 1998); see also Boll, *op. cit.*, p. 457 (noting an exception for naturalized Mexican nationals, who do lose Mexican nationality)); Morocco (*Citizenship Laws of the World* (see footnote 32 above), p. 138 (citing the Code of Moroccan Nationality of 6 September 1958)); New Zealand (*ibid.*, p. 145 (citing the Constitution of 1 January 1949). However, see Boll, *op. cit.*, p. 468 (noting an exception when the naturalization abroad is by voluntary act and the individual commits acts against the State or exercises rights contrary to State interests)); Nigeria (*Citizenship Laws of the World* (see footnote 32 above), p. 149 (citing the Constitution of 1989); see also Boll, *op. cit.*, p. 471 (noting an exception for naturalized citizens)); Paraguay (*Citizenship Laws of the World* (see footnote 32 above), p. 157 (citing the Constitution) (although the rule concerning the revocation of nationality applies only to naturalized citizens); see also Boll, *op. cit.*, p. 478 (noting that it only applies to naturalized nationals and that nationals by birth are deprived of rights of citizenship upon naturalization elsewhere, not revocation of nationality)); Peru (*Citizenship Laws of the World* (see footnote 32 above), p. 158 (citing the Constitution of 31 October 1993 and Nationality Law No. 26574 of January 1996)); Poland (*ibid.*, p. 160 (citing the Constitution and the Citizenship Act of 15 February 1962) (although revocation of nationality is not automatic upon adoption of a subsequent nationality but dependent on the State's releasing the individual from nationality)); Portugal (*ibid.*, p. 161 (citing Citizenship Law No. 37/81 of 1981 and Decree-Law No. 322/82; see also E/CN.4/1999/56 and Add.1–2 (footnote 58 above), para. 25 (citing Portugal's reply of 3 December 1998: "In accordance with the Portuguese Law on Nationality (art. 8), no Portuguese citizen shall be deprived of his or her nationality unless he or she, being a national of another State, declares that he or she does not wish to be Portuguese. Therefore, no arbitrary deprivation of nationality is possible within the Portuguese legal framework")); Romania (*Citizenship Laws of the World* (see footnote 32 above), p. 163 (citing Law No. 21 of 1991)); Saint Kitts and Nevis (*ibid.*, p. 167 (citing the Constitution)); Saint Lucia (*ibid.*, p. 168 (citing the Citizenship Act of 5 June 1979)); Saint Vincent and the Grenadines (*ibid.*, p. 169 (citing the Constitution of 27 October 1979 and the Citizenship Act of 1984)); Samoa (*ibid.*, p. 170 (citing the Citizenship Act of 9 August 1972) (although exceptions are provided for in case of marriage to a foreign national); however, see also Boll, *op. cit.*, p. 501 (indicating that the legislation was amended in 2004 to allow dual nationality)); Slovakia (*Citizenship Laws of the World* (see footnote 32 above), p. 177 (citing the National Council of the Slovak Republic Law No. 40 of 19 January 1993)); Slovenia (*ibid.*, p. 178 (citing the Citizenship Act of 25 June 1991) (although exceptions are provided for); see also Boll, *op. cit.*, p. 508); Sweden (*Citizenship Laws of the World* (see footnote 32 above), p. 189 (citing the Swedish Nationality Law); see also Boll, *op. cit.*, p. 518 (citing the Swedish Citizenship Act of 1 July 2001)); Switzerland (*Citizenship Laws of the World* (see footnote 32 above), p. 190 (citing the Swiss Citizenship Law of 29 September 1952, as amended in 1984 and 1990)); Togo (*ibid.*, p. 198 (citing information provided by the diplomatic mission to the United States)); Trinidad and Tobago (*ibid.*, p. 200 (citing the Constitution, as revised in 1976, and the

would lose upon adopting another nationality by repudiating that other nationality.

2. DENATIONALIZATION

28. Unlike loss of nationality, which, as seen above, is the consequence of a voluntary act on the part of the individual concerned, denationalization is a State decision that deprives a class of people, or one or more individuals, of the nationality of that State. In practice, some States, in special circumstances such as war, succession of States or the reprehensible conduct of a given individual, have in fact deprived the persons involved in these situations or engaged in such conduct of their nationality. Denationalization may take any of the following forms:

(a) Collective withdrawal of nationality through the enactment of a restrictive nationality law that takes away the nationality of a given State, for ethnic or other reasons, from a large number of citizens or permanent or long-term residents of the territory of that State. The cases generally cited are those of Czechoslovakia, Germany,¹⁵¹ Hungary, Italy,¹⁵² and Romania¹⁵³ in the period preceding the Second World War. Situations of this type have arisen more recently in States such as Bhutan,¹⁵⁴ Côte d'Ivoire,¹⁵⁵

Citizenship Act of 30 August 1962)); Tunisia (*ibid.*, p. 201 (citing the Code of Nationality of 26 January 1956)); Tuvalu (*ibid.*, p. 204 (citing the Constitution of Tuvalu Ordinance of 15 September 1986 and the Citizenship Ordinance of 1979); see also Boll, *op. cit.*, p. 545 (with the exception of naturalized citizens)); United Kingdom of Great Britain and Northern Ireland (*Citizenship Laws of the World* (see footnote 32 above), pp. 208–209 (citing the British Nationality Act of 1984); see also E/CN.4/1999/56 and Add.1–2 (footnote 58 above), para. 31 (b) (citing the United Kingdom's reply of 26 October 1998: "A person who acquired [one of the various forms of British nationality] by or as a result of naturalization or registration otherwise than under the British Nationality Acts 1948 to 1964 may additionally be deprived of that citizenship or status if he or she: ... (iii) Has, within five years of the date of registration or naturalization, been sentenced to imprisonment for at least 12 months and would not, on losing British nationality, become stateless"); British Nationality Act 1981, sect. 40 (c. 61), Hong Kong (British Nationality) Order 1986 (No. 948), art. 7); United States (E/CN.4/1999/56 and Add.1–2 (see footnote 58 above), para. 39 (citing the reply of the United States of 9 October 1998)); and Uruguay (*Citizenship Laws of the World* (see footnote 32 above), p. 210 (citing the Constitution) (although this rule applies only to those who are Uruguayan by birth); see also Boll, *op. cit.*, p. 556 (noting an exception for naturalized citizens, but only if they do not maintain residency or other ties to Uruguay) (also noting that nationals do lose citizenship rights, though not nationality, when they are naturalized elsewhere)).

¹⁵¹ Reich Citizenship Law of 15 September 1935 (Nuremberg, Germany) (sometimes referred to as the "Law on the Retraction of Naturalizations and the Derecognition of German Citizenship" or the "Nuremberg Laws") (denationalizing any German national who acquired German nationality between the end of the First World War and Hitler's assumption of power in January 1933), Nazi Conspiracy and Aggression, vol. IV (Washington, D.C., U.S. Government Printing Office, 1946). See also Abel, "Denationalization", especially pp. 59–61; and McDougal, Lasswell and Chen, *loc. cit.*

¹⁵² See Roth, *The History of the Jews of Italy*, pp. 524–527 (withdrawal of all naturalization certificates issued to Jews between 1 January 1919 and 17 December 1938).

¹⁵³ See Meyer and others, *The Jews in the Soviet Satellites*, pp. 384 and 500.

¹⁵⁴ See Amnesty International, *Nepal—Bhutanese Refugees Rendered Stateless: Leading Global NGOs Criticize Screening Process* (19 June 2003), press release available at www.amnesty.org (individuals of Nepalese origin). But see below for discussion of the fact that some regard the expelled individuals as never having had Bhutanese nationality.

¹⁵⁵ See Chirot, "The debacle in Côte d'Ivoire", p. 68; and Human Rights Watch, *The New Racism: The Political Manipulation of*

the Democratic Republic of the Congo,¹⁵⁶ the Dominican Republic,¹⁵⁷ Kenya,¹⁵⁸ Kuwait,¹⁵⁹ Myanmar,¹⁶⁰ the Russian Federation,¹⁶¹ Thailand,¹⁶² Zambia¹⁶³ and Zimbabwe,¹⁶⁴

(b) Denaturalization, which is an option made available under some bilateral conventions between countries of emigration and countries of immigration authorizing emigrants who had acquired the nationality of the host country through naturalization to revert to their nationality of origin if they subsequently establish residency in their country of origin.¹⁶⁵ Such individuals then revert to the status of aliens with respect to the country to which they had emigrated and are subject to expulsion therefrom under ordinary law;

(c) Deprivation of nationality, which is the withdrawal by a State of its nationality from an alien who has acquired it, for security reasons or any other grounds generally provided for in its domestic criminal law. Such legislation may provide that an alien who has acquired the nationality of the State concerned may be deprived of that nationality: (i) if the person has been convicted of a crime or offence against the domestic or external security of that

Ethnicity in Côte d'Ivoire (requirement that both parents be natives of Côte d'Ivoire in order to transmit that nationality to their children).

¹⁵⁶ See Sarkin, "Towards finding a solution for the problems created by the politics of identity in the Democratic Republic of the Congo (DRC): designing a constitutional framework for peaceful co-operation" (discussion of the Banyamulenge people concentrated in the north-east).

¹⁵⁷ See *Dilcia Yean and Violeta Bosica v. Dominican Republic*, case No. 12.189 of 22 February 2001, report No. 28/01, OAS document OEA/Ser.L/V/II.111, doc. 20 rev., p. 252 (Inter-American Commission on Human Rights (alleging that two girls of Haitian ancestry who were born in the State were denied Dominican nationality notwithstanding the fact that the Dominican Republic's Constitution grants nationality *jus soli*)).

¹⁵⁸ See the oral intervention by the African Society of International and Comparative Law and Minority Rights Group International, United Nations Commission on Human Rights, fifty-ninth session (2 April 2003) (discussing the Nubian community forcibly resettled by the British from the Sudan (www.minorityrights.org)); Mbaria, "Meet the Nubians, Kenya's fifth-generation 'foreigners'"; and United Nations press release (HR/CN/1017) of 3 April 2003, "Commission on Human Rights hears from NGOs charging violations around the world".

¹⁵⁹ See Human Rights Watch, *Kuwait—Promises Betrayed: Denial of Rights of Bidun, Women, and Freedom of Expression*; and United States Department of State, Country Reports on Human Rights Practices for 2003: Kuwait (25 February 2004) (discussing the Bedoun groups).

¹⁶⁰ See Amnesty International, *Myanmar—The Rohingya Minority: Fundamental Rights Denied*; and Human Rights Watch, *Living in Limbo: Burmese Rohingyas in Malaysia* (discussing the Rohingya Muslim minority in Ankara state).

¹⁶¹ The Meskhetian minority in the Krasnodar Krai region were considered nationals of the Union of Soviet Socialist Republics, but nationality under the 1991 Law No. 1948-I of the Russian Federation was refused, although the law appears to grant it under article 13, paragraph 1.

¹⁶² See Macan-Markar, "Thailand: fear of expulsion haunts hill tribes"; and Gearing, "The struggle for the Highlands: accused of endangering the environment, Thailand's tribespeople face eviction and an uncertain future".

¹⁶³ See *Legal Resources Foundation v. Zambia*, 211/98 of 7 May 2001, *Fourteenth Annual Activity Report of the African Commission on Human and Peoples' Rights (2000–2001)*, thirty-seventh session, OAU document AHG/229(XXXVII) (2–12 July 2001), pp. 86–97.

¹⁶⁴ See Ferrett, "Citizenship choice in Zimbabwe".

¹⁶⁵ See Salmon, *op. cit.*, p. 320.

State; (ii) if the person has committed acts contrary to the interests of that State.¹⁶⁶

29. Neither loss of nationality nor denationalization should lead to statelessness. In the case of denationalization in particular, there is a general obligation not to denationalize a citizen who does not have any other nationality. Likewise, nationality cannot effectively be lost unless the person concerned has effectively adopted another nationality. In addition, denationalization should not be arbitrary or based on discriminatory grounds. In all cases, both loss of nationality and denationalization change a person's status from that of a national to that of an alien and make him or her subject to expulsion from the State whose nationality he or she possessed until that time.

B. Expulsion in cases of loss of nationality or denationalization

30. Although dual or multiple nationality is widely recognized today, it does not seem possible to establish the existence of a rule of customary law in this regard. In the *Eritrea v. Ethiopia* case, the Claims Commission considered that revocation of nationality in the case of dual nationals was a permissible practice if it was not arbitrary or discriminatory. The Commission rejected Eritrea's argument that the denationalization and subsequent expulsion of persons with dual Eritrean and Ethiopian nationality were contrary to international law.¹⁶⁷ It held that the persons concerned had in fact acquired dual Eritrean and Ethiopian nationality as a result of the proclamation issued by Eritrea's Provisional Government on eligibility for citizenship for the purposes of the referendum and the establishment of the new State.¹⁶⁸ Thus, Ethiopia did not violate international law by denationalizing those of its citizens who had become dual nationals by acquiring Eritrean nationality.¹⁶⁹ On the other hand, the Commission held that the expulsion from Ethiopia of dual nationals—largely from small towns—by the local authorities for security reasons, and the expulsion of many others against their will, were arbitrary and thus contrary to international law. In other words, what the Commission objected to in this case was not expulsion on the ground of dual nationality, but the arbitrary nature of that expulsion.

31. A number of scenarios can be envisaged with respect to expulsion following loss of nationality or denationalization.

32. In cases of dual nationality, must the person concerned necessarily be expelled to the State of the remaining

nationality if it is not the “denationalizing” State? Can the expelled person object to this? If so, what action is taken?

33. In principle, the expelling State in such cases has the right to expel the person to the State of the remaining nationality because denationalization ends the situation of dual nationality; the expelled person henceforth has only the nationality of the latter State, whether or not it was the dominant nationality prior to denationalization. Recent examples illustrating actual denationalization on the basis of dual nationality are those of Turkey¹⁷⁰ and Turkmenistan¹⁷¹, while examples of the threatened denationalization of dual nationals are found in France,¹⁷² the Netherlands¹⁷³ and the United Kingdom, particularly when the persons in question are linked to radical Islamic movements. The United Kingdom has specified that its legislation allows the Government to denaturalize individuals who have been convicted of a serious crime unless such persons would thereby become stateless.¹⁷⁴ However, if the person subject to expulsion does not want to be expelled to the State of which he or she now has sole nationality or if the person has reason to fear for his or her life or risks being subjected to torture or degrading treatment in that country, he or she may be expelled to a third State with the latter's consent.

34. For cases of multiple nationality, one scenario to consider is that in which the “denationalizing” State is the State of dominant nationality. In such a case, the same reasoning outlined above in respect of dual nationality could apply, with the sole difference that there would be not one but two or more States of remaining nationality. Another scenario would be one in which the expelling State is not the State of dominant nationality. In this case, expulsion should preferably be to the State of dominant nationality.

35. The Special Rapporteur is not convinced of the necessity or even the practical utility of proposing one or more draft articles on the issues dealt with in the present report, primarily for the following reasons:

(a) As the power to confer nationality is within the sovereign jurisdiction of each State, the State may

¹⁷⁰ See Mayer, “A ‘benign’ apartheid: how gender apartheid has been rationalized”, especially pp. 312–313 (discussing the denationalization case of Member of Parliament, Merve Kavakci, who was a member of the Islamist Virtue Party, wore a headscarf to Parliament and acquired United States nationality without Government permission), citing “Headscarf deputy is stripped of Turkish citizenship”, *Deutsche Presse-Agentur* (15 May 1999).

¹⁷¹ See Shaver, “The revocation of dual citizenship in Turkmenistan” (President Niyazov announced that Turkmenistan was renouncing the 1993 bilateral agreement with the Russian Federation allowing for dual Russian-Turkmen nationality, which results in denationalization and potential expulsion of former nationals.)

¹⁷² “The French lesson”, *The Economist* (13 August 2005) (discussing Nicolas Sarkozy's speculation, as Minister of the Interior, that France could revoke the nationality of dual nationals who were radical imams promoting terrorism).

¹⁷³ See, for example, Bickerton, “Dutch murders bring tighter terror laws”, and “Dealing with traitors”, *The Economist* (see footnote 172 above) (discussing proposals in the Netherlands and the United Kingdom to adopt laws on revocation of the nationality of dual nationals who embrace radical Islam).

¹⁷⁴ See E/CN.4/1999/56 and Add.1–2, para. 31 (b) (footnote 58 above).

¹⁶⁶ See, for example, Law No. 68-LF-3 (footnote 31 above), art. 34.

¹⁶⁷ See Eritrea–Ethiopia Claims Commission, Partial Award—Civilians Claims: Eritrea's Claims 15, 16, 23 and 27–32, paras. 79–80; see also ILM, vol. 44 (May 2005), p. 601. See further Kidane, “Civil liability for violations of international humanitarian law: the jurisprudence of the Eritrea–Ethiopia Claims Commission in The Hague”, especially p. 52.

¹⁶⁸ See Partial Award ... (footnote 167 above), paras. 40 and 45. See also Proclamation No. 21/1992 of the Provisional Government of Eritrea (6 April 1992) (establishing various means of acquiring Eritrean nationality, including birth, marriage and naturalization), United Nations, *The United Nations and the Independence of Eritrea*, pp. 156–158.

¹⁶⁹ See Partial Award ... (footnote 167 above), paras. 43 and 46. See also Human Rights Watch, *Eritrea and Ethiopia—The Horn of Africa War: Mass Expulsions and the Nationality Issue*.

establish in its domestic legislation conditions for the loss of its nationality and for the denationalization of its nationals provided that this does not result in statelessness and the denationalization is not arbitrary or discriminatory. This is not, strictly speaking, connected to the issue of expulsion of aliens, since the rules referred to above would apply even if the loss of nationality or denationalization were not followed by expulsion. These rules therefore pertain more to the laws governing nationality than to the laws governing the expulsion of aliens;

(b) Specifically with respect to expulsion, it has been noted that in cases of dual nationality where there is no risk of statelessness, the loss of nationality or denationalization brings about a situation of sole nationality in which the person in question is subject to ordinary-law provisions concerning expulsion. There is thus no need to set out rules specific to this scenario;

(c) Only in cases of multiple nationality do special situations arise: the first is one in which it is necessary to decide to which other State of nationality a State can expel a person who has lost the nationality of the expelling State or has been denationalized, particularly when the expelling State is not the State of dominant nationality of the person in question; the second is one in which the expelled person, exercising his or her right to choose, particularly in the case of succession of States, decides to be a national of the State that intends to expel the person by reason of his or her adoption of a new nationality. In both cases, however, past practice is sorely lacking, although this issue, too, essentially concerns the rules on the nationality of natural persons.

Accordingly, the Special Rapporteur is not convinced that it would be worthwhile for the Commission to prepare draft rules for these situations, even in the interest of the progressive development of international law.