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Summary record of the 157th meeting

Topic:
Nationality including statelessness

Extract from the Yearbook of the International Law Commission:-
1952 , **vol. I**

to accept as nationals persons who had no ties of allegiance. In that respect, the Convention on Certain Questions Relating to the Conflict of Nationality Laws, signed at The Hague in 1930, had been more circumspect, since it had recognized certain rules with regard to nationality, together with certain limitations to those rules.[3]

66. Mr. KERNO (Assistant Secretary-General) said that the Commission must endeavour to find some way of reducing the numbers of stateless persons, even if it were not possible to eliminate statelessness altogether.

67. Mr. HSU observed that according to Mr. François there seemed to be a choice between two evils. On the one hand there was the suffering of countless people deprived of nationality, and on the other the reluctance of governments to adopt a liberal naturalization policy. Nevertheless, he believed that the Commission might put forward the two rules suggested by Mr. Hudson as one possible solution to the problem of statelessness. That proposed solution should not be set aside merely because its chances of acceptance were slight.

68. Mr. ZOUREK said that nothing would be achieved by the enunciation of vague philosophical abstractions. The Commission must take as its starting point the principle that nationality was a matter which lay exclusively within the internal jurisdiction of States, and one which they were free to regulate as they thought fit. That view was confirmed by the comments of governments on the draft of the Convention on Certain Questions Relating to the Conflict of Nationality Laws, by article 1 of that Convention, and by the decisions of the Permanent Court of International Justice.

69. Mr. Hudson had very clearly shown that that was the existing doctrine on the subject. Unless that doctrine was recognized, no useful progress could be made. Indeed, the fate of existing international instruments on the subject was hardly encouraging. The Convention of 1930 had been ratified by very few States, and it was obvious that nationality was a subject concerning which States in general were reluctant to surrender their exclusive competence.

70. Mr. Yepes had mentioned the Universal Declaration of Human Rights, but that was in no sense a legal instrument, and its provisions could not be taken as a basis for discussion.

71. The CHAIRMAN called the attention of the Commission to the fact that at the present stage the Commission was not considering a draft convention, but the question of whether it was feasible to prepare such an instrument with a view to the eradication of a great human evil.

72. Mr. SANDSTRÖM said that obviously some preliminary discussion was necessary to enable the Commission to decide whether it should prepare a draft convention for the elimination of statelessness, or one on nationality. At the present moment he could not say in which of the two the rules set forth by Mr. Hudson could be most appropriately embodied.

73. Mr. el-KHOURI agreed with Mr. Hudson's two rules, but suggested that the first required clarification. It was necessary to decide whether the nationality to be acquired in accordance with the first rule should be regulated by *jus soli* or by *jus sanguinis*.

74. He also believed that the second rule should be more forcibly stated, as in his view no State had the right to deprive a person of his nationality.

75. Mr. FRANÇOIS considered that Mr. Zourek had no grounds for attempting to substantiate his argument that nationality was a matter of purely internal competence by invoking article 1 of the Convention on Certain Questions Relating to the Conflict of Nationality Laws, the second sentence of which read:

> "This law shall be recognized by other States in so far as it is consistent with international conventions, international customs, and the principles of law generally recognized with regard to nationality."

The meeting rose at 1.5 p.m.

[3] See text in League of Nations, *Treaty Series*, vol. 179, p. 89.

157th MEETING

Friday, 4 July 1952, at 9.45 a.m.

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Chairman: Mr. Ricardo J. ALFARO.

Rapporteur: Mr. Jean SPIROPOULOS

Present:

Members: Mr. Gilberto AMADO, Mr. Roberto CÓRDOVA, Mr. J. P. A. FRANÇOIS, Mr. Shuhsi HSU, Mr. Manley O. HUDSON, Faris Bey el-KHOURI, Mr. F. I. KOZHEVNIKOV, Mr. H. LAUTERPACHT, Mr. A. E. F. SANDSTRÖM, Mr. Georges SCELLE, Mr. J. M. YEPES, Mr. J. ZOUREK.

Secretariat: Mr. Ivan S. KERNO (Assistant Secretary General in charge of the Legal Department), Mr. Yuen-li LIANG (Director of the Division for the Development and Codification of International Law, and Secretary to the Commission).

Nationality, including statelessness (item 6 of the agenda) (A/CN.4/50) (*continued*)

SECTION VI OF ANNEX III: STATELESSNESS; POINTS FOR DISCUSSION (*continued*)

1. The CHAIRMAN invited the Commission to continue its consideration of Annex III to the special

rapporteur's report on nationality, including statelessness (A/CN.4/50).

2. Mr. ZOUREK considered that the first of the two rules, designed to preclude future additions to the number of stateless persons, put forward by Mr. Hudson in point 2 of the points for discussion (Section VI of Annex III), was unacceptable, because it was unrealistic. That rule read:

"If no other nationality is acquired at birth, every person shall acquire at birth the nationality of the State in whose territory he is born..."

In the view of Mr. Zourek it failed to go to the core of the problem, which was the link between the individual and the State. If such a rule were adopted, nationality would henceforward be determined in a purely fortuitous manner. It would be preferable to recommend that countries whose legislation was based on *jus soli* should adopt the principle of *jus sanguinis* in respect of children born abroad. Legislation passed in 1949 in Czechoslovakia combined the two principles. A child born in Czechoslovakia acquired Czechoslovak nationality if one or both parents were Czechoslovaks; and there was no discrimination against illegitimate children. A child born abroad acquired Czechoslovak nationality at birth if both parents were Czechoslovak citizens; if only one of the parents was a Czechoslovak citizen and the other was a foreigner, the child acquired Czechoslovak nationality if it was applied for by the parent who was a Czechoslovak citizen and the application was approved by the regional National Committee.

3. Mr. HUDSON asked whether he had correctly understood Mr. Zourek to mean that, if no nationality was acquired at birth, the principle of *jus soli* would not apply.

4. Mr. AMADO said that the principle of *jus soli* could not be applied in too absolute a manner, since it would be quite unreasonable to expect a State not to withdraw nationality from persons born on its territory, but who left it at an early age and never returned.

5. He had very great difficulty in accepting the rules put forward by Mr. Hudson as a basis for discussion, since they seemed to him to be formulated in extremely vague terms and to be impossible of practical application. The Commission must proceed in the light of what could in fact be achieved. It was useless to enunciate high moral principles which had no chance of acceptance. The problem of statelessness was one of the foremost problems of the time and could not be dealt with in the manner envisaged in the nineteen points suggested for discussion by Mr. Hudson (Section VI of Annex III).

6. Mr. YEPES said that, in accordance with his statement at the previous meeting,[1] he wished to submit the following proposal for the consideration of the Commission:

"No State has the right to deprive its own nationals of their original nationality.

"For the purposes of this article, 'original nationality' means the nationality acquired at birth."

7. Mr. LAUTERPACHT said that, while he did not intend at the present stage to take part in the discussion on the individual points listed in Section VI of Annex III, he wished to enunciate certain general considerations.

8. He believed that the Commission had acted wisely in deciding to concentrate its attention for the time being on the problem of statelessness, since, if it were to deal with nationality as a whole, it would have to go into a number of extremely complex issues. As it would be impossible to put an end to existing statelessness without framing political recommendations, which would inevitably be controversial, it would be best for the Commission to confine itself to the examination of the five main sources of statelessness, which were: differences in national legislation, particularly in respect of *jus soli* and *jus sanguinis* with regard to acquisition of nationality by birth; marriage; deprivation of nationality; territorial changes; and certain minor matters, such as adoption legitimation, change of status of parents etc.

9. The Commission would have to decide whether the current objections against statelessness were well-founded, whether there was need for reform, and, if so, whether such reform could be achieved by means of an international convention. He believed the answer was in the affirmative to all three questions, because statelessness was inconsistent with the existing structure of international law, which considered nationality to be a link between the individual and the law of nations, with human dignity and with civilized standards. He felt, however, that that conclusion could not be taken for granted without careful study.

10. Again, the assumption that statelessness led to severe hardship and was inadmissible because, according to existing law, nationality was the only link between the individual and the protection offered by international law, must be examined in relation to the question of whether or not certain changes had occurred as a result of recent developments in international law which were calculated to ensure respect for fundamental human rights, irrespective of nationality.

11. Mr. Hudson had suggested that general adherence to the principle of *jus soli,* supplemented by recognition of nationality by descent, would go far towards eliminating statelessness. That view was acceptable, but the proviso that the method be qualified by some additional identification of the parent with the State would be fatal to the whole principle. Indeed, he believed that on close investigation the Commission would find that, in many countries, the difference between *jus soli* and *jus sanguinis* had in the last fifty years been obliterated and become largely theoretical. Furthermore, little substance remained in the argument that adherence to one or the other of the two principles was bound up with imperative national interests and

[1] See summary record of the 156th meeting, para. 51.

traditions which could not be abandoned. An example of the way in which traditional thinking could be reversed was to be found in the legislation concerning the nationality of married women enacted in the United Kingdom after The Hague Conference of 1930.

12. The principle that, provided no other nationality was acquired at birth, every person should acquire the nationality of the State in the territory of which he was born, might be found to offer the correct solution, and he could not agree that it would be useless to put such a recommendation forward to States simply, as Mr. Hudson maintained, because it was unlikely, for political reasons, that they would accept it. That was not a factor which the Commission should take into account, since its duty was to show up existing anomalies and suggest means for their removal.

13. He was convinced that the Commission would do well to devote equal attention to the second of the two rules (in point 2, Section VI) formulated by the special rapporteur as a point for discussion, namely: "No person shall lose his nationality unless such person acquires another nationality", and on Mr. Yepes' proposal, since that principle was suitable for incorporation in an international convention on the subject.

14. There was no persuasive reason why existing legislation which permitted States to deprive persons of their nationality should be regarded as so rational as to form an enduring part of the law of States. It was clear from point 18 in section VI of annex III that Mr. Hudson was fully alive to the importance of the issue. He (Mr. Lauterpacht) could not agree, however, to the qualification put forward that no person should be deprived of nationality "except on decision in each case by a competent authority acting in accordance with due process of law". Any substantial departure from principle could be cloaked with such a formula, and it would merely enshrine the existing right of States to deprive persons of nationality. He could not accept, however, as exhaustive, the three grounds put forward by Mr. Hudson under point 18 for deprivation of nationality, but welcomed the fact that he had not included among them the ground of disloyalty or other criminal acts for which other penalties existed.

15. In his view, the Commission should at its fifth session prepare a report on statelessness and a full commentary on the issues involved. The special rapporteur might also submit a paper giving his considered views.

16. The Commission would not be taking up a new subject, but would be continuing the work started at The Hague Conference in 1930. He could not agree with Mr. Kozhevnikov that the results achieved by that Conference in the field of nationality were disappointing. The Convention on Certain Questions Relating to the Conflict of Nationality Laws had given a definite impetus towards improvement, and had persuaded many governments to revise their legislation. Recognition of the dignity of the human person was becoming, in an incipient fashion, a part of international law. The special rapporteur should therefore be given every encouragement to study further the question how statelessness could be not only reduced but eliminated altogether.

17. Mr. YEPES said that his proposal related neither to voluntary change of nationality, which was an inherent right possessed by every person, nor to the right of a State to deprive a person of nationality on the ground that he had obtained naturalization by fraud or had indulged in activities inimical to the security of the State.

18. Deprivation for political, social or religious reasons of nationality acquired at birth must be condemned, since it inevitably led to the loss of all civic rights. The appalling results of that practice on the part of certain States had become manifest during recent years, and the evil must be faced courageously and eradicated. States had other means of safeguarding national security, and if deprivation of nationality were tolerated a great element of instability would be fostered.

19. Since the adoption of the Universal Declaration of Human Rights, the concept that nationality was within the exclusive domestic jurisdiction of States had been set aside. Indeed, the Permanent Court of International Justice had, in the *Case of the Nationality Decrees issued in Tunis and Morocco* (Advisory opinion of 7 February 1923), recognized that concept as being relative.[2] Since that date further changes had occurred. Members of the United Nations had reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and the Universal Declaration of Human Rights enjoined upon States the duty of promoting those rights by progressive measures, both national and international. It was for the Commission to devise the appropriate instruments for achieving that purpose.

20. Mr. KERNO (Assistant Secretary-General) observed that the first paragraph of Mr. Yepes' proposal might be interpreted to mean that no one could be deprived of his original nationality, even when he had acquired another nationality. He assumed that that was not the author's intention.

21. Mr. YEPES agreed; he would be prepared to amend the first paragraph of his proposal by adding the words "unless they have acquired another nationality".

22. Mr. AMADO said that he could not but applaud the lofty principles which inspired Mr. Lauterpacht's and Mr. Yepes' statements, but, unfortunately, any international instrument must be based on recognized principles of international law and be drafted in such a way as to command some reasonable chance of acceptance by States.

23. Mr. KOZHEVNIKOV considered that the time was not yet ripe for the Commission to decide whether it was desirable to deal with the problem of statelessness by means of one or more international conventions. The

[2] Publications of the Permanent Court of International Justice, *Advisory Opinions* Series B, No. 4, pp. 7—32.

special rapporteur had only gone so far as to express the hope that his exposition and analysis of the problem would furnish a sound basis for the Commission's deliberations. He himself doubted even whether such a basis existed. Clearly, the reason why the special rapporteur did not wish to make specific proposals was that he felt that he must examine the matter further.

24. He had some sympathy with the motives which had prompted Mr. Yepes' arguments, but could not agree that the Universal Declaration of Human Rights imposed any legal obligation whatsoever upon States. Neither did it prescribe any procedure by which the general principles proclaimed in it could be enforced. The Commission could express its views on how such principles could be given effect, but it could not create law. That was a function which pertained to sovereign States alone.

25. The question of the deprivation of nationality must be examined further, since it involved a number of general philosophical considerations. There were some States where moral and political identity between the individual and the State had been achieved, and clearly sanctions must be brought to bear against individuals whose acts tended to destroy or undermine that identity. He did not, therefore, think that the issue could be stated in such categorical terms as in Mr. Yepes' proposal, which said: "No State has the right to deprive its own nationals of their original nationality". On that point Mr. Hudson had offered a more acceptable solution in his report.

26. Mr. FRANÇOIS said that the principle that everyone had the right to a nationality was undoubtedly a noble one, but did it mean that there should be a kind of automatic grant of nationality by States? Nationality constituted a link between the individual and the State, the nature of which differed in the various countries. He was not so optimistic as Mr. Lauterpacht in thinking that those differences were no longer significant just because the principle of *jus sanguinis* was now being applied less rigidly. The differences were deeply rooted in custom and tradition. He was therefore unable to support either the second rule formulated by Mr. Hudson or Mr. Yepes' proposal, neither of which took into account the need to make sure that the individual acquiring nationality felt the existence of a bond between himself and the State of which he became a national. The unconditional right to nationality was not recognized in The Hague Convention of 1930, which laid down certain residential requirements.

27. There were certain other difficulties that must be faced. A State was entitled to withdraw its nationality from a person who had severed all his connexions with the country, had resided for a long time abroad or had entered into the service of another State. In the last-mentioned case, a conflict of duties had to be removed.

28. With those considerations in mind, he agreed with Mr. Kozhevnikov that it was impossible to solve the problem by enunciating general rules of the kind proposed in Mr. Hudson's report and by Mr. Yepes. From the legal point of view, such rules would be almost worthless.

29. Mr. CÓRDOVA said that there appeared to be some confusion concerning the Commission's task. Some members appeared to think that its work on nationality including statelessness could not be regarded as one of codification, and that the subject was not therefore sufficiently ripe for the Commission to proceed to the drafting of a convention. In his view, Economic and Social Council resolution 319 B III (XI) was to be understood merely as meaning that the Commission should attempt to find the best solution to the problem of eliminating statelessness. It was to be noted that those members of the Commission who had objected to proceeding in the manner proposed by Mr. Hudson had put forward no alternatives.

30. Other members of the Commission had expressed the view that nationality lay outside the Commission's field of work, in that it was a question solely for national jurisdiction. All questions of international law had repercussions at national level. The Commission's aim should be to reconcile and harmonize the national laws of the various countries in such a way as to eliminate statelessness, which all were agreed was an evil. It had been suggested that that aim was too ambitious, and that all the Commission could hope to do was to reduce statelessness. That issue was surely immaterial to the Commission's work. If it agreed that the ideal was the complete elimination of statelessness, it should do all in its power to indicate the best means of attaining that ideal. More it could not do. It was in that light that Mr. Yepes' proposal should be viewed. If the principle it laid down was correct, the proposal should be adopted, whatever the difficulties its adoption might at present entail for certain States; his own country, for example, would have considerable difficulty about agreeing to that principle forthwith, since it conflicted with the legislation at present in force. Unless, however, it were laid down that no State had the right to deprive its own nationals of their original nationality unless they had acquired another nationality, it would be impossible to make any progress, and the door would be thrown open to the assertion of that right by those States which did not at present assert it. The outcome would be anarchy.

31. Mr. HUDSON said that he merely wished to record his emphatic agreement with everything that Mr. François had said. It was only natural that countries into which there was large-scale immigration should have different views on the question from countries from which there was much emigration, and the Commission should bear that fact in mind.

32. Mr. LIANG (Secretary to the Commission) observed that any attempt to consider statelessness independently of the whole subject of nationality was not likely to yield fruitful results. The discussion had so far brought out a number of questions which were really questions of nationality, and had also brought out the fact that on those questions there was a basic difference of opinion. He recalled that at The Hague Conference in 1930, in which he had taken part, it had been found impossible to bring the question of state-

lessness into focus until the basic concepts of nationality had been discussed.

33. In his view, the present discussion had also brought out the sharp distinction between the progressive development of international law and its codification. On the question of statelessness, the legislatory policies of States had to be taken into account. The problem was largely to determine how far the right of States to deprive their nationals of its nationality could be limited. In that connexion, he had been gratified to hear what Mr. Lauterpacht had said concerning the impetus given in that direction by the 1930 Hague Convention.

34. If, as appeared to be the case, the Economic and Social Council, composed of government representatives, had really reached agreement on the political question that such adjustments as were necessary for the elimination of statelessness should be made to the nationality laws of the different countries, the task of the Commission, composed of legal experts, became a purely juridical one, and would be much easier. In present circumstances, he wondered whether it was useful to treat the problem of statelessness separately from the wider subject of nationality.

35. Mr. HSU acknowledged that there was a good deal of truth in what the Secretary had said, if the question was regarded from the angle of codification. On the other hand, the Commission had been requested by the Economic and Social Council to do a particular piece of work on a question with which the Council was profoundly concerned. If the Commission recognized that its contribution to the task of eliminating statelessness was restricted to only one aspect, the legal aspect, of the task as a whole, it would see more clearly what was required of it. It would see, for example, that what it had to do related not so much to the codification of the law of nationality as to the progressive development of such law as would ensure the elimination of statelessness. For that reason, he had regretted the Commission's decision to brush aside, as it were, the principles which had been commended to it on no mean authority, without first considering how far they were in conformity with the principles and practice of international law. Even if the Commission's recommendations could not be given world-wide implementation at once, they would become a standard of achievement, just as the 1930 Hague Convention had formed a standard towards which governments had striven over the years, with the result that cases of conflict between nationality laws were now considerably fewer than they had been before that Convention had been concluded.

36. With regard to practical procedure, he thought that the Commission should consider one by one the nineteen points for discussion contained in Section VI of Annex III to Mr. Hudson's report, and that in the light of those discussions the special rapporteur should prepare a draft convention for consideration at the next session.

37. Mr. SANDSTRÖM said that, in his view, points 1-9 of the points for discussion suggested by Mr. Hudson were so obvious that discussion of them would not be very fruitful. It would be more useful to discuss forthwith points 10-19, which dealt with more concrete questions.

38. With regard to point 10 (i), he felt that the problem was of such manifest importance, and the amount of human suffering involved so great, that the Commission should at any rate attempt to reach a solution; such an attempt would show whether the subject was in fact "sufficiently ripe for international legislation".

39. With regard to point 10 (ii), he considered that it would be preferable for the Commission to carry on with its work and submit drafts to Governments for comment, rather than to ask the Governments for their general views before proceeding with the work.

40. Mr. el-KHOURI said that the Commission had a definite responsibility to proceed with the topic of nationality, including statelessness. It had much material available to it, including the 1930 Hague Convention. It was generally agreed that the problem of statelessness was an international issue which required international action. The Commission must not evade its responsibilities in respect to that problem, and in his view its first step in practice should be to consider the principles underlying The Hague Convention.

41. Mr. KOZHEVNIKOV pointed out that the special rapporteur himself had posed the question whether the subject was sufficiently ripe for the Commission to take action on it. In his (Mr. Kozhevnikov's) view, it was not sufficiently ripe, as was proved, indeed, by the fact that neither the special rapporteur nor any of those members who had expressed the view that it was sufficiently ripe, except for Mr. Yepes, had submitted any definite proposals for dealing with it.

42. Mr. SCELLE said that he was in favour of continuing the discussion and adopting a draft text, even though he recognized that such a text might have little chance of general acceptance by States, when national laws were so deeply rooted. That was no reason, however, why the Commission should not do its utmost to contribute to the solution of the problem.

43. The history of the question of nationality, including statelessness, was part of the story of man's progress from the level of an animal to that of a social being. In the animal kingdom those who suffered from some abnormality or deformity were destroyed. That practice had not been entirely abandoned by man; from Sparta to the present day, certain States had claimed and exercised, with greater or lesser ruthlessness, the right to liquidate elements which they regarded as anti-social. The revolutionary nature of Mr. Yepes' proposal should be clearly understood, for it would give the individual, and not the State, the last word in the matter. It would deprive States of a right which many of them still claimed, the right to reduce their own nationals to the level of basts, of inanimate objects, deprived of all civic rights; for that was what statelessness meant. To compensate such human beings as were thus denied all their rights the League of Nations had instituted the

system of Nansen passports. Those passports gave their holders a few useful but limited rights, but they were hardly fair compensation for what they had lost, nor did they confer world citizenship on those who had lost their country but remained members of the human race. Yet that must remain the ideal. In the last resort, progress could only be achieved if States were to abandon step by step the outmoded concepts of national sovereignty. Although in present circumstances their sovereignty could only be restricted in so far as they agreed to accede to a convention, it was the Commission's duty to submit such a convention for their approval. It was not the Commission's task to legislate, but it was its task to pave the way for the progressive development of international law. If it failed to do so in the field of statelessness, it would be contributing to the perpetuation of a grave injustice, and shirking an important task for which it had been set up.

44. The question of the practical steps to be taken raised yet once more the whole problem of the Commission's method of work and its status. It was obvious that the work on statelessness could not be completed within twelve months.

45. Mr. KOZHEVNIKOV said that he had listened with great interest to Mr. Scelle's statement, but that he was in profound disagreement with it. The path which Mr. Scelle had traced led not forwards but backwards, not towards the development of international law but towards international anarchy. The Commission's task was to codify the laws already adopted by governments, taking full account of the views and wishes of independent sovereign States. It should seek to enlist the co-operation of governments, and not attempt to dictate to them.

46. Mr. HUDSON said that he was gratified that Mr. Scelle had raised the question to which Mr. Kozhevnikov had referred. He recalled that an eminent American jurist, Professor Wigmore, had been a leading proponent of the thesis of what was called world citizenship. In recent months the Press had carried reports of individuals who had renounced their nationality to free themselves from national ties, and thus to become "citizens of the world". Certain very responsible circles were in general sympathy with those views. He personally, however, found it impossible to envisage any practical steps in that direction which would at the present stage be acceptable to governments in any part of the world. As he had already indicated, however, he was glad that Mr. Scelle had raised the question.

47. Mr. el-KHOURI said that, as the Commission had no specific proposals before it which it could discuss, he would suggest that the special rapporteur be requested to prepare a draft convention on nationality, including statelessness, with a view to its consideration at the next session.

48. Mr. HUDSON said that, in all humility, he would suggest that the points for discussion set forth in section VI of Annex III to his report could form a useful basis for the Commission's debates at the present session. With regard to the elimination of statelessness, dealt with in points 1-3, he had had grave doubts about the desirability of rules that would preclude any further addition to the number of stateless persons, as well as about the possibility of their universal or general adoption. For example, it might seem reasonable for one State which was at war with another State to deprive of their nationality any of its nationals who joined the armed forces of the latter State against itself. It was for that reason that he had turned his attention to the problem of *reducing*, first, statelessness already existing and, secondly, statelessness arising in the future. With regard to the former, he did not think much could be achieved in the way of practical results, but it might be useful for the Commission at any rate to discuss the five points dealing with that question. With regard to statelessness arising in the future, he thought that the Commission could and should take useful steps. Although the discussions at the present session might result in little of immediate practical value, they would be a useful guide for the drafting of a convention at a later stage.

49. Mr. ZOUREK pointed out that several of the causes of statelessness were closely connected with the wider question of nationality. That proved that the two questions could not be treated separately, at least in the initial stages of the work.

50. In his view, the subject of statelessness was not sufficiently ripe for international legislation. It required much more thorough consideration and, as a first step, the Commission should discuss the various points in Mr. Hudson's report, distinguishing clearly between what was theoretically desirable and what was practicable, and discarding any proposals which ran counter to the fundamental principles of international law and national sovereignty. Mr. Scelle's proposal, for example, would in his view, mean the end of progress towards a community of independent sovereign States, and the decline of international law into international anarchy.

The meeting rose at 1.15 p.m.

158th MEETING

Monday, 7 July 1952, at 2.45 p.m.

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Chairman: Mr. Ricardo J. ALFARO.

Rapporteur: Mr. Jean SPIROPOULOS.