

Document:-
A/CN.4/SR.158

Summary record of the 158th meeting

Topic:
Nationality including statelessness

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

*Downloaded from the web site of the International Law Commission
(<http://www.un.org/law/ilc/index.htm>)*

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.

CONTENTS

	Page
Nationality, including statelessness (item 6 of the agenda) (A/CN.4/50) (<i>continued</i>)	
Section VI of Annex III: Statelessness; points for discussion (<i>continued</i>)	114
Point 1	116
Point 2	117

Chairman: Mr. Ricardo J. ALFARO.

Rapporteur: Mr. Jean SPIROPOULOS.

Present :

Members : Mr. Gilberto AMADO, Mr. Roberto CORDOVA, 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 said that it appeared from the discussion that the Commission was agreed that nationality was essentially a subject for codification, whereas statelessness was emphatically a subject for the progressive development of international law. The Commission also seemed to recognize that codification of the law of nationality would be a complicated and difficult task, for practical and psychological reasons, and that there was no great urgency about taking it up.

2. On the other hand, statelessness constituted a pressing, tragic and vital human problem with which the nations of the world had been deeply concerned since the days of The Hague Conference in 1930. The nations represented at that conference had unanimously declared that States "should make every effort to reduce as far as possible cases of statelessness", and the same sentiment had inspired the action of all United Nations bodies which had considered the question since the end of the Second World War. That action had culminated in the Economic and Social Council's resolution 319 B III (XI) of 11 August 1950, in which, after stressing the seriousness of the problem of statelessness for individuals and States, the Council had urged the International Law Commission to "prepare at the earliest possible date the necessary draft international convention or conventions for the elimination of statelessness". Moreover, the Commission itself had, at its first session, selected the subject of nationality, including statelessness, for codification, and had noted at its third session that the action urged on it by the Council in the resolution to which he had just referred lay within the framework of that topic. The Commission had therefore given priority to the question of statelessness, both because of its manifest urgency and because of its own commitment in that field.

3. In the course of the discussion divergent opinions had been expressed on a number of questions which it was necessary to decide in order to set the course of the Commission's debates. As he saw them, those questions were: first, whether the Commission was ready to undertake at the present time the drafting of

one or more conventions on statelessness; secondly, if not, whether the Commission was of the opinion that it might at the present stage formulate certain principles with a view to their subsequent incorporation in an international convention as a possible means of imposing some check on statelessness; thirdly, and in either case, whether the Commission considered that statelessness, as it existed at present, could be eliminated; fourthly, again in either case, whether the Commission considered that statelessness, as it existed at present, could only be reduced; and lastly, again in either case, whether the Commission considered that it could only envisage the possibility of reducing statelessness arising in the future.

4. Whatever form the Commission's recommendations might take, they would have to be submitted to governments as the Commission's reply to the question put to it, as the juridical organ of the United Nations, whether a juridical remedy could be found for eliminating or reducing the evil of statelessness. It was for the Commission to say whether such a remedy existed or not, but it would be for States to decide whether to apply, reject or modify any remedy the Commission suggested.

5. Mr. AMADO said that, if the Commission wished to ensure any continuity in the development of international law, and if it wished to avoid working, as it were, *in vacuo*, it must base itself upon reality, in other words upon what had been achieved in the past. In dealing with the subject at present under consideration it must base itself above all on the principles and practice of particular international law. Its aim was not only to draft a convention, but to ensure that governments would approve that convention. It must therefore rule out any absolute solutions such as those proposed by Mr. Yepes or Mr. Scelle. The 1930 Hague Convention, and the protocols appended thereto, had been drawn up with an eye to their acceptance, and had dealt with precise questions. That was why they had enjoyed a certain measure of success. The general discussion which the Commission had so far held had been of great interest, but had not greatly advanced consideration of the specific task with which the Commission was faced.

6. As he had already pointed out, the question of statelessness was an exceedingly difficult one; but that was not to say that it was insoluble. In his view, the Commission could contribute to reducing the numbers of the stateless. But to do so it must approach its task methodically, and in his opinion the best, and indeed the sole, method was to discuss the only specific proposals which were before the Commission, namely, the points for discussion contained in Section VI of Annex III to the special rapporteur's report. Those points were eminently clear, and in his opinion their discussion would be useful, although, as the special rapporteur had himself acknowledged, the discussion of some would be of more value than the discussion of others. If the Commission did not define the field which it wished its recommendations to cover, the special rapporteur would be unable to submit any more helpful, definite proposals to the Commission at its next session, guided as he would be only by the conflicting views that had so far been expressed.

7. The CHAIRMAN agreed that the points for discussion at the end of the special rapporteur's report were the only possible bases for discussion at the present session. On the other hand, he felt that before discussing those points, the Commission should make up its mind on the five issues he had stated.
8. Mr. CORDOVA proposed that the Commission should first consider the points for discussion in section VI of Annex III, since only in the light of such consideration would it become evident whether or not a convention could be drafted at the present stage, and what its scope should be.
9. Mr. SANDSTRÖM supported Mr. Córdova's proposal.
10. Mr. YEPES felt that the Commission should first decide whether questions of nationality really fell exclusively within the province of domestic legislation.
11. Mr. KOZHEVNIKOV said that he had listened with great interest to the Chairman's remarks, and indeed to the whole discussion. He agreed with Mr. Amado that the Commission must be realistic, and must aim at producing work of practical value. His view that prevailing circumstances made the immediate conclusion of a convention on statelessness unrealistic appeared to have been borne out by the trend of the discussion. He therefore proposed that on the question of statelessness the Commission include the following passage in its report:
- "Following an exchange of views on the proposals put forward by Mr. Hudson concerning the problem of statelessness, the International Law Commission came to the conclusion that, under prevailing conditions, the adoption of a convention based on Mr. Hudson's proposals would be unrealistic. The adoption of such a convention would postulate a radical change in the nationality laws in a number of States. Moreover, by their very nature such questions concern the domestic legislation of individual countries".
12. Mr. SANDSTRÖM thought the Commission was in agreement that it should not attempt to draft a convention at the present session, but that it would be sufficient for the points listed in the special rapporteur's report to form the subject of discussion, in the light of which the special rapporteur could prepare specific proposals for consideration by the Commission at its next session.
13. Mr. LAUTERPACHT said that it was becoming clear that the Commission was not in agreement, and was unlikely to reach agreement in the course of the present session on the essential questions before it. It could not be denied that the tendency of recent legislation in many countries was towards the elimination of statelessness. That tendency had been in evidence even before The Hague Conference of 1930. However, apart from statelessness resulting from other causes, some countries still claimed the right to deprive their nationals of nationality as a sanction. The question therefore was, by which reality was the Commission to be governed, by the reality of conflicting laws on the matter, or by the reality of the trend towards something more consonant with the temper of the time, as expressed in the resolution of the Economic and Social Council which spoke of the elimination, and not merely the reduction, of statelessness? Until that question had been resolved, until the Commission had made up its mind to lend its active support to the view that statelessness was an evil which ought to be eliminated, and that the only way of eliminating it was for those States which at present admitted it to recede from their position, no progress could be hoped for.
14. The Commission must therefore examine closely the legislation of those States which at present claimed the right to deprive their nationals of nationality, in order to enable it to form a conclusion whether their vital interests were involved, as Mr. François had suggested that they were. Nationality was not a favour which States could withhold or withdraw as they wished, but a function which they discharged under international law.
15. Mr. KERNO (Assistant Secretary-General) pointed out that part of the preamble to Economic and Social Council resolution 319 B III (XI) read:
- "Considering that statelessness entails serious problems both for individuals and for States, and that it is necessary both to reduce the number of stateless persons and to eliminate the causes of statelessness,*
- "Considering that these different aims cannot be achieved except through the co-operation of each State and by the adoption of international conventions,".*
16. Moreover, by selecting for codification the question of nationality, including statelessness, the Commission had already decided, at its first session, that the codification of laws concerning those questions was, in the words of article 18 of its Statute, "necessary or desirable". A number of the questions which had been discussed had therefore already been decided.
17. The CHAIRMAN explained in reply to Mr. Lauterpacht's remarks, that he was acting on the assumption that all members of the Commission agreed that the question of statelessness should be considered and a solution to it sought.
18. Mr. SCALLE said that he merely wished to ask the special rapporteur whether he had taken into account the legislation of federal States bearing on nationality and statelessness. He did so because he agreed that the Commission must be realistic. It was not realistic, however, to be guided by the past, as Mr. Amado had suggested. Only the present could provide the necessary guidance. It had long been recognized that restrictions should be placed on the right of States to deprive their nationals of nationality. In other words, the first step along the path of federalism had already been taken and, just as the freedom of action of the constituent members of a federal State was restricted under its

constitution, so the freedom of action of the members of the United Nations community in respect of far more important questions than those of nationality and statelessness was restricted by the Charter. The Commission would surely not be realistic if it ignored that tremendously significant development.

19. Mr. ZOUREK said that there was general agreement that statelessness was an evil, but there was wide disagreement as to how it should be fought. In his view, the only method which would yield positive results in the foreseeable future would be to submit recommendations which would have some chance of being accepted by governments.

20. As an example of the recommendations which the Commission could profitably make, he would suggest that it might recommend that no one should lose his nationality by marriage, unless he acquired the nationality of his spouse. That would be in accordance with the progressive trend of recent legislation. Under previous Czechoslovak legislation, for example, a woman who married an alien lost her nationality whether or not she acquired her husband's nationality. Under the new nationality law of 13 July 1949, a woman enjoying Czechoslovak nationality no longer lost such nationality on marriage to an alien unless by that marriage she acquired her husband's nationality under the law of the husband's country.

21. Mr. LIANG (Secretary to the Commission) agreed with Mr. Amado that better results could be achieved by going over the nineteen points presented for discussion in Section VI of Annex III to the special rapporteur's report. He doubted, however, whether that section was couched in terms that readily lent themselves to discussion, and thought that a working paper in a more "discussible" form might have to be prepared. The points for discussion listed in that section of Mr. Hudson's report were often in the form of statements, opinions, examples or probabilities etc., which it would be difficult to discuss. He recalled the view which he had expressed at the 157th meeting,¹ that the Commission might examine and define in precise terms the restrictions placed by international law upon the freedom of States to confer nationality or deprive a person of his nationality. In his view, the second sentence of article 1 of the Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws was nebulous and needed to be formulated more clearly.

22. After some further discussion, the CHAIRMAN put to the vote Mr. Córdova's proposal that the Commission proceed at once to consider the points for discussion contained in Section VI of Annex III to the special rapporteur's report.

Mr. Córdova's proposal was adopted by 12 votes to none, with 2 abstentions.

23. The CHAIRMAN said that, although in some respects Mr. Kozhevnikov's proposal conflicted with that of Mr. Córdova, he would put it to the vote.

Mr. Kozhevnikov's proposal was rejected by 10 votes to 2.

24. Mr. KOZHEVNIKOV considered that the Commission should define more precisely what it intended to do as a result of the adoption of Mr. Córdova's proposal. Was it to prepare a draft convention, or a working paper formulating certain general principles for further examination?

25. The CHAIRMAN observed that, by adopting Mr. Córdova's proposal, the Commission had decided to discuss the nineteen points enumerated in Section VI of Annex III to Mr. Hudson's report, and then to decide whether a draft convention should be prepared, or whether it should confine itself to formulating general principles.

26. He wondered whether the special rapporteur would consider it appropriate for the Commission to examine points similar to point 1, which were not suitable for incorporation in a draft convention since they merely contained a statement of opinion.

27. Mr. HUDSON suggested that such points should be considered and criticized. Members of the Commission might have suggestions to put forward in connexion with point 1.

Point 1

28. Mr. LAUTERPACHT asked the special rapporteur whether he had used the word "envisage" in point 1 in the sense that it was difficult to "conceive" measures which would eliminate statelessness or that it would be difficult to "recommend" them.

29. Mr. HUDSON said that he would be prepared to replace the word "envisage" by the word "recommend".

30. Mr. AMADO proposed that point 1 should not be taken up at the present stage, since the remainder of the discussion would show whether the view therein expressed was tenable.

31. Mr. HUDSON thought that point 1 was of fundamental importance. He personally would very much welcome any suggestions as to measures which might eliminate statelessness.

32. Mr. KERNO (Assistant Secretary-General) said that it would be valuable if the Commission considered the thesis put forward by the special rapporteur under point 1, though some members might feel that they had not sufficient material on which to base an opinion and that the matter should be studied further by the special rapporteur.

33. Mr. YEPES formally proposed that discussion of point 1, which embodied no principle, should be deferred until the other points had been disposed of.

34. Mr. CORDOVA considered that the special rapporteur must give reasons for his view that it was difficult to recommend any measures which would

¹ See summary record of the 157th meeting, para. 33.

wholly eliminate the statelessness of persons at present stateless. Was there, for example, anything against recommending that countries in which stateless persons were permanently resident should offer them nationality?

35. Mr. el-KHOURI suggested that it would be quite impracticable to attempt to force States to naturalize immigrants. He had in mind, for example, the case of Syria, which, at the end of the first world war, had been obliged to receive from Turkey a quarter of a million Armenians and persons of other nationalities.

36. Mr. AMADO pointed out that neither the factor of allegiance nor the link of loyalty with the State could be ignored. The time for world citizenship had not yet arrived.

37. Mr. SANDSTRÖM considered that it was possible to conceive in theory of certain measures which might eliminate statelessness, but they would not be practicable. That, as he understood it, was the meaning of point 1.

38. Mr. HSU said that statelessness might be real or apparent. In the second category he included refugees whose admission to a foreign country was a temporary measure, subject to disposal by political arrangements. Clearly the first category only should be dealt with on the legal plane. He would be interested to know whether it was possible to classify existing stateless persons in that manner, and to determine the approximate number of persons in each group. The two rules in point 2 might then be applied to the first category.

39. Mr. CÓRDOVA said that the political situation was such that it would be difficult for the Commission, as well as inappropriate, to propose political solutions, though there was nothing against its examining certain political factors which prevented the problem from being settled.

40. Mr. SCELLE urged the need for defining nationality. In certain countries, such as Switzerland, where women had not the right to vote, nationality did not necessarily carry with it the rights of citizenship.

41. He could not agree with point 1, as he believed that there were a number of perfectly feasible methods for at least attenuating the effects of statelessness. For example, a system might be devised for granting stateless persons legal status by giving them United Nations papers, which would not, however, confer a nationality upon them.

42. Mr. FRANÇOIS said that Mr. Scelle had raised an entirely different issue. Point 1 was concerned with nationality, and in his view Mr. Hudson's argument stood.

43. He agreed with Mr. Sandström that certain theoretical measures for eliminating statelessness could be devised, but it would be totally unrealistic to suppose that they would find application.

44. Mr. KOZHEVNIKOV said that the foregoing discussion brought out vividly the fact that the Com-

mission did not have adequate material to formulate specific recommendations.

45. He did not believe the matter could be approached at the level proposed by Mr. Scelle. Clearly the Commission should first consider the whole problem of nationality, which was the legal relationship between the State and the individual.

46. The CHAIRMAN put to the vote Mr. Yepes' proposal that discussion on point 1 be deferred until the remaining 18 points had been disposed of.

Mr. Yepes' proposal was adopted by 5 votes to 4 with 5 abstentions.

47. Mr. AMADO said that he had abstained from voting because he believed that point 1 should be dropped altogether, without discussion.

48. Mr. SPIROPOULOS said that he had abstained in order to give certain members who did not appear ready to state their views on point 1 an opportunity for further reflection.

Point 2

49. Mr. CÓRDOVA could not agree with rule (i) on point 2, as stated by the special rapporteur, since it seemed to give priority to the principle of *jus sanguinis*.

50. Mr. HUDSON said that Mr. Córdova had misunderstood his intention, which was that unless a child acquired a nationality *jure sanguinis* the *jus soli* would apply.

51. Mr. CÓRDOVA accepted Mr. Hudson's explanation.

52. Mr. el-KHOURI said that if rule (i) were adopted, statelessness would disappear in time because all children of stateless persons would acquire the nationality of the country in which they were born. He could not agree, however, that such a rule could be imposed upon States.

53. Mr. KERNO (Assistant Secretary-General) appreciated the doubts felt by Mr. Córdova about the drafting of rule (i), since that rule might be interpreted as meaning that countries practising *jus soli* should modify their legislation.

54. Mr. YEPES suggested that the French text of rule (i) was free of all ambiguity; the English should accordingly be brought into line with it.

55. He personally was in favour of the application of *jus soli*, and could therefore support rule (i).

56. Mr. SPIROPOULOS suggested that it was hardly appropriate for the Commission to vote on a statement of fact, which point 2 as a whole represented. If a vote could not be avoided at least the integrity of the text must be respected; it would be meaningless to vote on it by parts.

57. Mr. HUDSON agreed that the two rules must be taken together; and he realized that their adoption would present many difficulties to a number of States.

58. Mr. LAUTERPACHT shared Mr. Córdova's apprehension as to the implications of rule (i) as it stood, since, whatever the intention of the special rapporteur, it could be construed to mean that no State which applied the *jus soli* might confer nationality on a person who obtained it *jure sanguinis*. He believed, however, that the difficulty was one of drafting, since there seemed to be general agreement on what the substance of the rule should be.

59. Mr. AMADO was unable to understand Mr. Córdova's doubts. The text of rule (i) seemed to him perfectly unambiguous and acceptable, because it meant that countries applying *jus sanguinis* would in future apply *jus soli* as a subsidiary principle. In Brazil *jus soli* already applied.

60. Mr. SCELLE stated that the French text of rule (i) must be re-worded in order to eliminate the expression "*acquiert*" which, because it meant obtaining something in place of something else, was inapposite.

61. Mr. Liang (Secretary to the Commission) said that there was some force in Mr. Lauterpacht's view. He believed that the wording of the Harvard Research draft convention on nationality was preferable.² That text read:

"A State shall confer its nationality at birth upon a person born within its territory if such person does not acquire another nationality at birth".

62. Mr. el-KHOURI considered that, before going any further, the Commission ought to define what it meant by statelessness.

The meeting rose at 6.10 p.m.

² Harvard Law School, *Research in International Law, Nationality*. Supplement to *American Journal of International Law*, vol. 23 (1929).

159th MEETING

Tuesday, 8 July 1952, at 9.45 a.m.

CONTENTS

	<i>Page</i>
Nationality, including statelessness (item 6 of the agenda) (A/CN.4/50) (<i>continued</i>)	
Section VI of Annex III: Statelessness; points for discussion (<i>continued</i>)	
Point 2 (<i>continued</i>)	118
Point 3	122

Chairman: Mr. Ricardo J. ALFARO.

Rapporteur: Mr. Jean SPIROPOULOS

Present:

Members: Mr. Gilberto AMADO, Mr. Roberto CORDOVA, 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*)

Point 2 (*continued*)

1. The CHAIRMAN invited the Commission to continue its discussion of point 2 of the points for discussion in section VI of Annex III to the special rapporteur's report (A/CN.4/50), which read as follows:

"2. The general adoption of the following rules would preclude future additions to the number of stateless persons.

"(i) 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. This would extend *pro tanto* the application of the *jus soli* rule in many countries.

"(ii) No person shall lose his nationality unless such person acquires another nationality."

2. Mr. LAUTERPACHT recalled that it had been suggested that the difficulties of phraseology which had been pointed out in connexion with rule (i) in point 2 of the Harvard Draft Convention on Nationality which read:

"A State shall confer its nationality at birth upon a person born within its territory if such person does not acquire another nationality at birth."

That wording was, however, open to the interpretation that a State could not confer its nationality at birth upon a person born within its territory if such person did acquire another nationality at birth. In his opinion, one of the ways of solving the difficulty would be to insert the following sentence after the first sentence of rule (i):

"A State may confer its nationality at birth upon a person born within its territory even if such person acquires another nationality at birth."

3. Turning to the wider question whether the solution envisaged in rule (i) was desirable and practicable, which was one of the matters the Commission had to consider, he pointed out that taken in conjunction with rule (ii), it would afford a fairly complete solution to the question of statelessness, except for certain exceptional cases of minor importance. For example, it would not cover the case of foundlings unless it were presumed that foundlings were born in the country in which they were found; neither would it cover a category of cases which had been dealt with, albeit