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Summary record of the 214th meeting

Topic:
Nationality including statelessness

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101. Both points, however, could, if desired, be made explicit in the comment.

102. Mr. LAUTERPACHT still considered it advisable to make the first point explicit in the text itself, as it was arguable, and had been argued at the previous session, that loss of nationality incurred in that way was not a penalty. Article VI, in its present form, was of such importance, however, that it should stand by itself, and he would therefore submit a proposal for a new article dealing with loss of nationality as a result of prolonged residence abroad.

103. Mr. YEPES said that he had no objections to the text proposed for article V, but merely wished to point out that in the comment, Colombia should be added to the list of countries where marriage or its dissolution had no effect on the nationality of the spouse.

104. Mr. ALFARO said that he would vote for article V, but considered that the Drafting Committee should give particularly careful consideration to it, especially to paragraph 1, where the word "provides" would be more appropriate than the word "recognizes" and where the list of reasons for changes in personal status was incomplete, and should be deleted.

On the understanding that the Drafting Committee would pay particular attention to it and that a reference to the second type of case referred to by Mr. Lauterpacht would be inserted in the comment, article V was adopted by 8 votes to 1 with 5 abstentions.[4]

The meeting rose at 1 p.m.

[4] See *infra* 215th meeting, paras. 42-73.

214th MEETING

Monday, 13 July 1953, at 2.45 p.m.

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* The number within brackets corresponds to the article number in the Commission's report.

Chairman: Mr. J. P. A. FRANÇOIS.

Rapporteur: Mr. H. LAUTERPACHT.

Present:

Members: Mr. Ricardo J. ALFARO, Mr. Gilberto AMADO, Mr. Roberto CÓRDOVA, Mr. Shuhsi HSU, Faris Bey el-KHOURI, Mr. F. I. KOZHEVNIKOV, Mr. Radhabinod PAL, Mr. A. E. F. SANDSTRÖM, Mr. Georges SCELLE, Mr. Jean SPIROPOULOS, Mr. J. M. YEPES, Mr. Jaroslav ZOUREK.

Secretariat: 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 5 of the agenda) (A/CN.4/64) (*continued*)

DRAFT CONVENTION ON THE ELIMINATION OF FUTURE STATELESSNESS (*continued*)

Article VI [7]

1. The CHAIRMAN invited the Commission to continue its consideration of the draft Convention on the Elimination of Future Statelessness with article VI.

2. Mr. CÓRDOVA (Special Rapporteur) said that he had felt it necessary to distinguish between deprivation of nationality by way of penalty and deprivation on other grounds, as he did not believe that States should be able to apply deprivation of nationality as a sanction, even if the individual concerned acquired another nationality at the same time. The text which he proposed, therefore, stated categorically that no State should deprive any person of his nationality by way of penalty; he was convinced that only by means of such a categorical prohibition could the possibility of statelessness arising in that way be excluded.

3. If the aim was not the elimination, but the reduction of statelessness, the prohibition could, of course, be qualified.

4. Mr. ALFARO pointed out that a person might not be deprived of his nationality until some time after he had acquired the nationality of another State. He suggested, therefore, the addition of the words "or has acquired" after the word "acquires" in paragraph 2.

5. The CHAIRMAN, speaking as a member of the Commission, recalled that Mr. Yepes had rightly said that article VI was one of the most important in the whole draft.[1] Unfortunately, it was also one of those which raised the most serious objections in the minds of members, who, like himself, came from *jus sanguinis* countries, where importance was attached to the link which bound the individual to the State of which he was a national. Depending on the interpretation of the word "penalty", such States might be able to accept paragraph 1, but in that case they would be unable to accept paragraph 2. A person who entered the service, or more especially the armed forces, of another State, particularly if it was an enemy State, proved by his actions that he attached no value to his nationality and that the bond by which he should be linked to the State of which he was a national no longer existed.

6. During the second World War, for example, many thousands of Netherlands subjects had enlisted in the enemy's armed forces. Netherlands law provided for

[1] See *supra*, 211th meeting, para. 30.

deprivation of nationality when a person entered the service of another State without the permission of the Crown, and all those persons had therefore been deprived of their Dutch nationality. After the war, their lack of a nationality had presented a serious problem, and the Netherlands Government had considered the possibility of rescinding the relevant provision with retrospective effect. A proposal in that sense, however, had met serious opposition. The Government had then introduced a bill seeking to re-admit all those persons to Dutch nationality, but, Parliament had been unwilling to accept the proposal. The present position, therefore, was that each case had to be considered under a simplified naturalization procedure.

7. In view of what he had said, it was obviously impracticable to impose on the Netherlands an obligation such as that envisaged in the Special Rapporteur's text.

8. That text was also illogical. It would be much more logical — and just as satisfactory from the point of view of eliminating statelessness — to oblige States which allowed aliens to enter their service or their armed forces in circumstances which would entail loss of nationality, to confer their own nationality upon them.

9. Mr. CÓRDOVA agreed that, from the point of view of eliminating statelessness, a provision on those lines would, in theory, be as satisfactory as that which he had himself proposed. In practice, however, it would give rise to difficulties which led him to prefer his own proposal.

10. Mr. YEPES pointed out that, in the comment, Colombia should be added to the list of countries where statelessness could not occur as a result of withdrawal of nationality.

11. He felt that the point raised by Mr. François need present no difficulty provided a clear distinction were drawn between nationality and citizenship. In Colombia, persons who entered the armed forces of another State were deprived by law of all their political rights, but did not lose Columbian nationality. Similarly, persons who were renaturalized need present no problem, provided the distinction between nationality and citizenship was observed.

12. The CHAIRMAN, speaking as a member of the Commission, feared that if the Commission were to follow Mr. Yepes' line of thought in every case where it might seem to offer a convenient solution, the draft convention would be robbed of all its value. If the Commission recognized a distinction between nationals and citizens, it would logically have to adopt further provisions in which it was clearly laid down what rights could be withheld from the latter and what rights must be accorded to all.

13. Mr. SPIROPOULOS said that it was common practice for States to withhold certain rights from certain categories of their nationals — for example, from persons who had acquired their nationality by naturalization. He agreed that, if States were left entirely free in that respect, a serious danger could ensue. There were, however, internationally accepted standards in such matters, and if a State deprived its nationals of too many of their rights, it would be guilty of transgressing those accepted standards.

14. Mr. CÓRDOVA pointed out that the draft convention under consideration was not concerned with political or civil rights, or with the question of how far a State could deprive its nationals of those rights. States had a clearly recognized responsibility for their nationals towards the international community, and although they had every right to punish them for acts such as those Mr. François had referred to, they had no right to cast them out stateless into the world.

15. Mr. LAUTERPACHT felt that the question that had first been raised by Mr. François was related to the article under discussion, and had, indeed, been bound to arise in connexion with it. Before referring to what Mr. François had said, however, he wished to point out that there was a distinction, even though it might be an elastic one, between deprivation of nationality by way of penalty — and in that category, apparently unlike Mr. François, he would have no hesitation in placing deprivation for service in the armed forces of another State — and deprivation of nationality "on any other ground", for example, because of acquisition of nationality by fraud, or by the operation of the law, in cases, for example, of prolonged residence abroad. It must be borne in mind that the Commission was only concerned with deprivation of nationality resulting in statelessness, and he suggested, therefore, that paragraph 1 be amended to read:

> "The parties shall not deprive any person of his nationality with the result of rendering him stateless."

16. Mr. François had suggested that a person who entered the service or the armed forces of another State thereby showed that he attached no importance whatsoever to the link which was supposed to bind him to the State of which he was a national. The nationals of one State, however, often entered the service of another State, either permanently or for set periods. It was not always necessary for them to swear an oath of allegiance to the second State, but even when it was, he was not convinced that that should necessarily be enough to entail deprivation of their own nationality. He suggested, therefore, that in considering the case of service for another State, the Commission should limit its attention to the case of service in armed forces. That was, indeed, the case which Mr. François had singled out, rather surprisingly omitting any mention of high treason or other forms of disloyalty. He (Mr. Lauterpacht) agreed with Mr. Córdova that the proper penalty in such cases was not deprivation of nationality, but the much more drastic penalties provided by the law. He saw no objection to Mr. Yepes' suggestion that such penalties should in certain cases be accompanied by deprivation of certain political rights. That was the present practice in many countries.

17. Mr. SCELLE said that he could not vote for either paragraph of article VI, which was contrary to certain

essential interests of the State. A State whose very existence might be at stake must be able to protect itself against action jeopardizing its life. From the point of view of the State, the text proposed was quite unacceptable. From the point of view of the individual, it could not be argued that it would afford him protection, for its adoption would actually encourage States to apply more drastic sanctions. Deprivation of nationality was a small matter compared with the deprivation of life.

18. Mr. KOZHEVNIKOV said that, apart from the fact that it was very doubtful whether the text proposed by the Special Rapporteur for article VI would serve the humanitarian purpose it was supposedly designed to serve, that text failed to take into account the fact that nationality was a bond between the individual and the State which carried with it certain mutual rights and obligations. The text was unacceptable because it robbed the State of the right to safeguard itself if the individual severed that bond. Mr. François had said that the Commission could not impose on States an obligation which they would not accept, and he (Mr. Kozhevnikov) entirely agreed, not only in the present instance, but with regard to the entire draft convention.

19. It had been suggested that the Commission should distinguish between nationality and citizenship. So far as Soviet law was concerned, it safeguarded equal rights for all Soviet citizens irrespective of their nationality. All citizens of the Soviet Union enjoyed equal rights.

20. Mr. SANDSTRÖM said that, although the procedure proposed by the Special Rapporteur in his text was not the only way of eliminating statelessness arising as a result of the deprivation of nationality, it seemed to be the simplest. He could vote for it, since the Commission was at present considering a draft designed to eliminate future statelessness, and since it had already agreed to discuss later the other draft, dealing with the reduction of future statelessness.

21. Mr. HSU, too, saw no objection to the inclusion in a convention designed to eliminate future statelessness of the text proposed by the Special Rapporteur. If the Commission adopted a text by virtue of which some State or other would be responsible for the protection of every individual, it could be left to public opinion and diplomatic pressure to ensure that such protection was effective. As Mr. Lauterpacht had said, other penalties, which might even include deprivation of diplomatic protection, were available in cases of disloyalty to the State, and it was true that such penalties could inflict hardships as great as or exceeding those inflicted by statelessness; with the exception of death, however, they were not final and irrevocable, and in that lay the important difference between them and deprivation of nationality.

On the other hand, a State which withdrew its nationality from those of its subjects who engaged in acts of disloyalty towards it, in the way suggested by Mr. François, would automatically cut itself off from all other means of punishing them.

22. Mr. SPIROPOULOS said that if the text proposed by the Special Rapporteur were put to the vote, he would be obliged to abstain. A way out of the difficulty, however, might be to combine the two paragraphs to form a single paragraph, reading as follows:

> "No State shall deprive any person of its nationality on any ground unless such person, at the time of deprivation, has acquired or acquires the nationality of another State".

23. Faris Bey el-KHOURI supported Mr. Spiropoulos' suggestion; if it were not adopted, the text proposed by the Special Rapporteur should be referred to the Drafting Committee, as the words "by way of penalty" were equivocal. He agreed with Mr. Hsu that it was not only wrong, but contrary to the interests of the State concerned, to deprive an individual of what was part of his birthright, even if he committed high treason.

24. Mr. ALFARO also supported the suggestion put forward by Mr. Spiropoulos, since, as Mr. Lauterpacht had said, the borderline between deprivation of nationality by way of penalty and deprivation by operation of the law was far from clear. The Commission was concerned only with cases where deprivation of nationality resulted in statelessness. Paragraph 1, however, would prevent a State from depriving of his nationality a person who entered the service of another State and in time acquired its nationality.

25. He had been impressed by Mr. Yepes' remarks. The difference between nationality and citizenship was clear from the fact that political — and even civil — rights could be withdrawn without causing a disturbance in the international relations of States, whereas nationality could not. To make the point clear, it might be desirable to add a second paragraph after that suggested by Mr. Spiropoulos, reading as follows:

> "The provisions of paragraph 1 do not affect the full rights of a State to deprive any national of his citizenship or political rights or to restrict, to a certain degree, his civic rights by way of penalty or on any other ground".

26. Mr. ZOUREK said that, although he understood the reasons which had prompted the Special Rapporteur to draft article VI as he had, he feared that he had thereby made it unacceptable to governments. The bond of nationality was compacted of reciprocal rights and duties, but the text proposed by the Special Rapporteur gave full freedom of action to the individual and left the State powerless to protect its own vital interests. It prevented the State from formally recognizing a situation which the individual himself had deliberately brought about by severing that bond, usually to escape some obligation inherent in it, particularly that of military service. It was unrealistic to think that statelessness brought about in that way could be eliminated, even if "*involuntary statelessness*", *resulting from conflicting* national laws, could be.

27. It had been suggested that the problem might be solved by distinguishing between nationality and citizen-

ship. Many countries, however, including the People's Democracies, did not recognize that distinction; all Czechoslovak nationals, for example, enjoyed equal rights. It was true that the laws of many countries provided for the deprivation of certain rights as a form of penalty; but what use would such a penalty, or indeed any other penalty than the deprivation of nationality, be against an individual who fled abroad to engage in treasonable activities against his fatherland?

28. The Special Rapporteur was in effect inviting States to renounce certain of their sovereign powers. There might be cases where the conflict of nationality laws made it desirable for them to do so, with regard to those specific cases. The text proposed by Mr. Córdova, however, was not limited to specific cases; it would prevent States from ever depriving anyone of his nationality by way of penalty, without even mentioning his obligations towards the State. It had been claimed that the draft Convention on the Elimination of Future Statelessness could not conflict with the essential interests of any State, since it would be freely entered into; however, it was the substance which counted, not the form.

29. Finally, the text proposed was contrary to the existing practice of a large number of States. The *Study of Statelessness*[2] showed that deprivation of nationality could be incurred in different States for a whole variety of reasons. In some States it could even be incurred by naturalized persons for crimes which carried no such penalty for persons who were nationals by birth — a distinction which was, incidentally, wholly wrong.

30. For all those reasons he would be obliged to vote against the text proposed by the Special Rapporteur.

31. Mr. LAUTERPACHT said that article VI was important partly because the deprivation of nationality was, so far as numbers went, the largest single cause of statelessness, and partly because it gave rise to a number of emotional considerations that had been reflected in the language used by various members of the Commission.

32. If Mr. François's objections were to be met, and the purpose of the draft convention maintained, those objections would have to be dealt with in detail, possibly in a provision reading somewhat as follows:

> "The parties agree to confer their nationality upon aliens who have served in their armed forces and who have been deprived by their own State of their nationality on account of such service."

33. The right of States to punish offenders by due process of law must be preserved. He doubted, however, whether there was any need for distinguishing in the text of the Convention between citizenship and nationality; the point might be better made in the comment.

34. He had not fully understood Mr. Scelle's observations. On the other hand, he thought there was merit in Mr. Spiropoulos's proposal, partly because of the difficulty of deciding what was and what was not a penalty. He wondered, however, whether the expression "No State shall deprive..." covered the normal operation of law as a source of loss of nationality — for example, as a result of continued residence abroad. He also thought that the question of the revocation of naturalization, particularly on the grounds that nationality had been procured by fraud, should be clarified; some might consider that a person naturalized in those circumstances had in fact never acquired the nationality concerned.

35. Mr. AMADO said he had followed the discussion with interest, but it had been mainly confined to the case of persons who acquired their nationality by birth. He wished to address himself rather to the question of naturalized persons. In his view, naturalization was a form of contract between the State and the individual, and one effect of article VI would be to make the contract irrevocable for the State, while leaving the individual free to break the contractual obligation. It would follow, he suggested, that States would tend to make naturalization more difficult.

36. Mr. ALFARO proposed that paragraph 1 of article VI be deleted; that in paragraph 2 the words "by way of penalty" be inserted after the words "its nationality", and the words "or has acquired" after the word "acquires"; and that the following paragraph be added:

> "The foregoing provision does not affect the right of the State to deprive a national of his political or citizenship rights or to restrict his civil rights as a national, by way of penalty or otherwise, for any cause defined in the laws of the State."

37. The first two amendments would have the effect of combining paragraphs 1 and 2, as had been proposed by Mr. Spiropoulos.

38. Mr. CÓRDOVA said that, although it seemed to him technically wrong to combine the two paragraphs, he was prepared to agree to it, since the aim of the draft convention, namely, the elimination of statelessness, would still be served.

39. Taking up Mr. Lauterpacht's point about the automatic loss of nationality as a result of the operation of the law, he suggested that, in order to avoid the confusion that might possibly arise from the unqualified use of the word "deprivation", the second paragraph might read:

> "No State shall deprive any person of its nationality by way of penalty or by operation of the law or on any other ground...".

40. He considered Mr. Alfaro's third amendment unnecessary, since the Commission was not dealing with the deprivation of civil rights. Nationality conferred on the individual the right to his government's protection,

[2] United Nations publication, Sales No.: 1949.XIV.2.

for example, in the shape of the issue of a passport for foreign travel. Moreover, nationality was a link between the individual and the State, which imposed certain responsibilities on the State. However, if the paragraph in question commanded general support, he would accept it, although he would prefer the subject of deprivation of political and civil rights to be relegated to the comment.

41. As to Mr. Lauterpacht's suggestion for meeting Mr. François's objections, he felt that it should not refer to service in the armed forces alone: there were many other ways—perhaps, even, of more importance—in which a national could serve a foreign power to the detriment of his own country. On the other hand, there were many forms of service, even in the military forces of a foreign State, which were not detrimental to the country of nationality of the persons so serving. For example, during the last war the Government of Mexico had permitted Mexicans to serve in the armed forces of any State Member of the United Nations. In general, however, he opposed the inclusion of any such article, since it would make it even more difficult to punish traitorous nationals if they lost their nationality and acquired another. He supposed that in those circumstances such persons would enjoy the protection of the government of the country of their new nationality, and would then not even be subject to extradition procedure.

42. Mr. PAL said that he had benefited immensely from the discussion, and only wished to raise a few points relating to the proposed amendments.

43. He could not see what purpose would be served by adding the paragraph proposed by Mr. Alfaro. There was nothing in article 6 as at present drafted which brought into question the right of States to deprive their nationals of political or civil rights; it was simply intended to ensure that States should not deprive their nationals of nationality. Otherwise, the rights of States remained unaffected. Indeed, he was not even in favour of including the point in the comment, for the Universal Declaration of Human Rights limited the penalties of that sort which States might apply.

44. Assuming that it was decided that paragraphs 1 and 2 should be combined, he thought it quite unnecessary to say: "... by way of penalty or on any other ground...". It would be quite enough to say simply: "... on any ground...".

45. He thought that Mr. Lauterpacht's suggestion was inappropriate, because there were many ways, in addition to military service on behalf of an enemy, in which an individual could act to the detriment of the country of which he was a national. Any such clause should be comprehensive.

46. Mr. YEPES said that, in view of the suggestion that it was inhuman to deprive persons of their citizenship, as was permitted by the laws of many Latin-American countries, he felt he should clarify the distinction between nationality and citizenship as it operated in those countries.

47. Citizenship was an exclusive relationship between an individual and the State to which he belonged: other States did not come into the matter. Nationality, on the other hand, was a relationship between the individual and his State in relation to other States. The rights that a State might confer on its own nationals were no concern of any other State.

48. In his view, the Soviet Union concept of nationality was ethnic rather than civic. The same was true of other countries. Switzerland, for example, which numbered among its peoples several nationalities in the ethnic sense, knew only one nationality as the word was understood in international law. The meaning of nationality, as he saw it, was that a person belonging to the Soviet Union, to Switzerland or to the United States of America was a national of his country; but it did not necessarily follow that any individual national would enjoy all possible rights of citizenship.

49. On that understanding, political rights were the rights proper to citizenship; they were not the rights proper to a national as such. A person, for example a minor, a woman (in some cases) or a criminal, might be a national of a country, but not a full citizen. The difference between nationality and citizenship was precise; and though a State might deprive a person of his citizenship rights as a sanction, for example, by depriving him of the right to vote or to stand for public office, no State had the right to deprive a person of his nationality, which, by definition, was a matter affecting its relations with other States; for deprivation of nationality involved deprivation of protection, with the implication that the individual affected might become a charge on other States. Moreover, the right to a nationality was one of the inalienable rights of the human being, as had been expressly recognized in the Universal Declaration of Human Rights adopted by the United Nations General Assembly.

50. He contested Mr. Amado's contention that naturalization was in the nature of a contract between the individual and the State. On the contrary, naturalization, in the sense they were considering, was an act of authority, a favour which the State could either grant or withhold according to the higher interests of the community.

51. Mr. AMADO agreed that he might more properly have used the term "allegiance" rather than "contract".

52. The CHAIRMAN, speaking as a member of the Commission, wished briefly to reply to Mr. Córdova. It was true that some individuals entered the military service of foreign countries without detriment to their own countries, but the text suggested by Mr. Lauterpacht was intended only to apply to the grave cases of persons who, in the view of their own government, deserved to be deprived of their nationality.

53. As to Mr. Córdova's point that deprivation of nationality in such circumstances involved the drawback that their own governments would be prevented from punishing the individuals concerned, he would only say

that the right to punish individuals for the crime of high treason, or entering the service of the enemy, remained in all circumstances.

54. Mr. KOZHEVNIKOV, referring to Mr. Yepes' statement about the difference between nationality and citizenship, said that he was unable to admit that any distinction existed between them. In his (Mr. Kozhevnikov's) country, all citizens enjoyed equal rights.

55. Mr. SPIROPOULOS agreed with Mr. Pal that the additional paragraph proposed by Mr. Alfaro had nothing to do with the question under discussion, and that there was accordingly no need to include it. On the other hand, he agreed that paragraph 1 of article VI should be deleted, and its contents embodied in paragraph 2. The words "by way of penalty" should be dropped as they added nothing to the text, the words "on any ground" being sufficient in themselves. He therefore suggested the following simpler and more comprehensive text for article VI:

"No person shall lose his nationality on any grounds unless he has acquired a new nationality".

56. Mr. SANDSTRÖM said that Mr. Spiropoulos' suggestion would affect article V; he thought that the Commission ought to adhere to the phrase "deprivation of nationality", used in article VI.

57. Mr. AMADO said that Brazilian law spoke of "loss" rather than of "deprivation" of nationality.

58. Mr. ALFARO agreed that the words "by way of penalty" could be deleted from his amendment, for the reasons given by Mr. Spiropoulos.

59. As to the general undesirability of his third amendment, he felt that some mention of the concepts of citizenship and nationality should be made either in the draft convention or in the comment; the distiction was clear in the Latin-American legal system, but elsewhere there was a general tendency to confuse internal political rights and rights with an international bearing.

60. In reply to the CHAIRMAN's request that he should comment on Mr. Spiropoulos' observations,

61. Mr. CÓRDOVA said that it was obvious that the convention really need consist of only two basic articles: the first providing that every individual should have the right to acquire a nationality, and the second providing that no one should lose his nationality. But such a convention would be so general as to be useless, and would in fact constitute no more than a general statement of aims. A purely general treatment of statelessness was in his view inadequate; any convention should deal with specific cases.

62. Mr. HSU said that he would not go so far as Mr. Pal in suggesting that Mr. Alfaro's third amendment should not be included even in the comment. He asked Mr. Alfaro whether he would agree that it should be placed there.

63. Mr. ALFARO agreed that, since his third amendment dealt with a fact, namely, that no fewer than twenty-five countries made a distinction between citizenship and nationality, it would be better included in the comment.

64. Mr. LAUTERPACHT said that there seemed to be general agreement that Mr. Alfaro's third amendment did not properly belong to article VI, although it might be included in the report.

65. He found Mr. Spiropoulos' proposed text attractive — perhaps too attractive, as it was so short that it failed to deal with the typical and most important cause of statelessness, namely, deprivation of nationality, with which article VI was supposed to deal. He suggested, as an alternative, a summary article which might read as follows:

"No party shall revoke or deprive a person of nationality by way of penalty or for any other reason, by operation of the law or otherwise, unless such person has or acquires another nationality."

66. His sole object in putting forward his suggestion concerning military service on behalf of a foreign power had been to demonstrate the consequences of Mr. François' approach to the problem. Now that it had served its purpose, he would withdraw it.

67. Mr. SPIROPOULOS recalled that when the Commission had been discussing article I, concerning the acquisition of nationality *jure soli,* Mr. Yepes had said that some persons who had acquired nationality through the application of that principle had not *ipso facto* acquired full rights of citizenship. Mr. Alfaro's third amendment seemed to him to make the same point in an inverse sense.

68. His suggested text for article VI had not been intended as a formal amendment. It had, however, appeared to him that, as the three preceding articles referred to the acquisition of nationality, article VI might well refer simply to its loss, and that a general phrase would raise no difficulties.

69. The CHAIRMAN said that, in the light of Mr. Spiropoulos' remarks, the Commission had before it article VI as drafted by the Special Rapporteur, Mr. Alfaro's amendments, and the text suggested by Mr. Lauterpacht.

70. Mr. ALFARO said that he had already agreed to the deletion of the phrase "by way of penalty"; that cause of deprivation of nationality, as well as deprivation of nationality by operation of law would, he felt, be covered by the general phrase "on any ground".

71. Mr. SANDSTRÖM suggested a simpler version for article VI, which might read:

"No State shall deprive a person of nationality on grounds other than those listed in article V."

The meeting rose at 6 p.m.