

TIGHT BINDING.

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to secure as far as possible uniformity in principle in the determination by each Member of the Commonwealth, of the persons, being British subjects, to be regarded as members of its community, and to avoid, as far as possible, the inconveniences which might arise if a particular person were to belong, at the same time, to two or more Members of the British Commonwealth. These objectives could be secured upon the following basis:—

(1) Each Member of the Commonwealth would in the normal course include as members of its community:—

(a) persons who were born in, or became British subjects by naturalisation in, or as a result of the annexation of, its territory and still reside there, and

(b) persons who, coming as British subjects from other parts of the Commonwealth, have identified themselves with the community to which they have come.

As regards those mentioned under (b) it is for each Member to prescribe the conditions under which any British subject coming from another part of the Commonwealth will be considered to have so identified himself with the new community to which he has resorted as to become a member thereof.

(2) Although it would seem that no question could arise as between Members of the British Commonwealth in the case of those referred to in sub-paragraph (1) (a) above, it is recognised that in the case of a migrant, referred to in sub-paragraph (1) (b) above, the Member from which he came might wish to declare an interest in the conditions under which the Member to which he went might claim to be entitled to regard him as a member of its community. It is also desirable to avoid laws or rules as to acquisition or loss of such membership which might lead to overlapping. As time has not allowed consideration to be given to the different criteria which a Member might desire to impose, it is recommended that any Member contemplating passing a law on the membership of its community, should submit its proposals to the other Members of the Commonwealth, so as to enable them to offer observations thereon, if they feel so inclined.

The object of this consultation would be to ensure agreement, so that other Members would not thereafter raise any objection to the consequences which would follow from the proposed action.

Speaking generally, it seems unlikely that any Member would wish to make any reservations with regard to provisions which were based either on some formal act such as an application or declaration by the individual migrant

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indicating his wish to identify himself with the Member to which he had migrated, or on a substantial period of residence, though in this latter case exception might be made for cases in which the residence, though long, was due to some cause such as a special but terminable post or employment, and not to any wish of the individual to identify himself with the community.

(3) In the event of a Member desiring to pass new or amending legislation dealing with Nationality or Citizenship, it might be faced with the problem of how to deal with those British subjects not born in, but at the moment residing in, its territory. One solution of this problem would be to provide for the inclusion of all such persons, coupled with the right of those not wishing to become nationals or citizens to opt out. If our recommendation as to consultation is adopted, each Member would have an opportunity of commenting, if it so desired, on the actual proposals so far as they might affect members of its community.

2. Those Members of the Commonwealth which do not desire to proceed to a definition by legislation of the requirements for membership of their communities will consider giving effect administratively, in accepting responsibility for particular persons, to the principles contained in the foregoing paragraphs, subject, of course, to the provisions of any law which may, from time to time, be in force. They may also find it expedient to give effect to some of the implications thereof by legislation without the necessity of resorting to a definition of the members of their communities.

(ii) TREATY PROCEDURE.

As regards the nature and effect of the participation of Members of the British Commonwealth in a multilateral treaty, it was recognised:—

(1) That each Member takes part in a multilateral treaty as an individual entity, and, in the absence of express provision in the treaty to the contrary, is in no way responsible for the obligations undertaken by any other Member; and

(2) That the form agreed upon for such treaties at the Imperial Conference of 1926 accords with this position.

(iii) NATIONALITY OF MARRIED WOMEN.

The Committee took note of the reference to the subject of the Nationality of Married Women contained in paragraph VI (c) of the Summary of Proceedings of the Imperial Conference of 1930. In that paragraph it was stated that all the

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