

E C R E T.

(P) (37) 1.

COPY NO. 51

IMPERIAL CONFERENCE, 1937.PREPARATORY MEETINGS ON CONSTITUTIONAL QUESTIONS.DISTINCT NATIONALITY AND COMMON STATUS.Memorandum by the Delegation of the Union of South Africa.

1. In the Report of the Conference on the Operation of Dominion Legislation and Merchant Shipping Legislation, 1939, the following paragraphs dealing with the concepts "Nationality" and "Common Status" appear:

2. "73. Nationality is a term with varying connotations. In one sense it is used to indicate a common consciousness based upon race, language, traditions or other analogous ties and interests and is not necessarily limited to the geographic bounds of any particular State. Nationality in this sense has long existed in the older parent communities of the Commonwealth. In another and more technical sense it implies a definite connection with a definite State and Government. The use of the term in the latter sense has in the case of the British Commonwealth been attended by some ambiguity, due in part to its use for the purpose of denoting also the concept of allegiance to the Sovereign. With the constitutional development of the communities now forming the British Commonwealth of Nations the terms "national", "nationhood", and "nationality", in connection with each member, have come into common use.

"74. The status of the Dominions in international relations, the fact that the King, on the advice of his several Governments, assumes obligations and acquires rights by treaty on behalf of individual members of the Commonwealth, and the position of the members of the Commonwealth in the League of Nations, and in relation to the Permanent Court of International Justice, do not merely involve the recognition of these communities as distinct juristic entities, but also compel recognition of a particular status of membership of those communities for legal and political purposes. These exigencies have already become apparent; and two of the Dominions have passed Acts defining their "nationals" both for national and for international purposes.