

DISTINCT
NATIONALITY
AND COMMON
STATUS.

On the invitation of the Chairman, SIR DONALD SOMERVELL made a statement regarding the work of the Preparatory Meetings of Constitutional Experts over which he had presided.

Sir Donald said that at this stage he would confine himself to the most important of the problems on which the Experts had deliberated, viz. that of distinct nationality and common status. The Memorandum which the South African Delegation had circulated to the Meetings of Experts based itself upon the well-recognised distinction drawn in the Report of the Conference on the Operation of Dominion Legislation, 1929, between nationality as representing the "definite connection with a definite State and Government" and the "common status resulting from the common allegiance to the Crown". The Memorandum went on to give instances of inconvenience of various kinds which had arisen from the existing uncertainty regarding distinct nationality in the several parts of the British Commonwealth. The most important of these instances of inconvenience related to:-

- (a) Immigration, e.g. the right of a particular Dominion to refuse to admit a British subject as an immigrant.
- (b) Deportation, e.g. the duty of one Member of the Commonwealth to take back a British subject if circumstances have arisen in which another Member has a right to deport him.
- (c) Protection to a British subject in trouble in a foreign country.
- (d) Treaties, e.g. the desire of a Member of the Commonwealth to enter into a treaty with a foreign government, to confer privileges only on those British subjects who "belong" to it.
- (e) Extra-Territorial Legislation, i.e. the question to what British subjects such legislation by a Member of the Commonwealth is to apply.