

Geneva, July 27th, 1931.

LEAGUE OF NATIONS

NATIONALITY OF WOMEN

Report by the Secretary-General.

I. RESOLUTION OF THE COUNCIL PLACING THE QUESTION ON THE ASSEMBLY'S AGENDA.

On January 24th, 1931, the following proposal was submitted to the Council by the representatives of Guatemala, Peru and Venezuela :

" The Council will remember that the question of the nationality of women was discussed at length at the Conference for the Codification of International Law held at The Hague in March and April 1930. The discussions did not result in an international settlement of this question. The States were, in particular, recommended to study the question whether it would not be possible (1) to introduce into their law the principle of the equality of the sexes in matters of nationality, taking particularly into consideration the interests of the children, and (2) especially to decide that, in principle, the nationality of the wife should henceforth not be affected without her consent either by the mere fact of marriage or by any change in the nationality of her husband.

" It is to be noted that there is a clear movement of opinion throughout the world in favour of a suitable settlement of this question.

" Various members of the Council have received petitions from women's organisations urging the Council to appoint a committee of women to consider the question of the nationality of women and submit a report on the subject to the 1931 Assembly.

" We venture to propose the adoption by the Council of the following resolution :

" ' The Council,

" ' Decides to place on the agenda of the next session of the Assembly the question of the continued study of the nationality of women, and

" ' Requests the Secretary-General to submit to the Assembly a report on the question after consultation of the following organisations¹, which have been specially concerned with the nationality of women :

" ' The International Council of Women,

" ' The International Alliance of Women for Suffrage and Equal Citizenship,

" ' The Women's International League for Peace and Freedom,

" ' The Inter-American Commission of Women,

" ' The Equal Rights International,

" ' The World Union of Women for International Concord,

" ' The All-Asian Conference of Women,

" ' The International Federation of University Women,

" ' The World's Young Women's Christian Association.

" ' The Secretary-General might, if he thinks fit, request the above-named organisations to set up a committee, consisting of two representatives of each organisation, with the task of formulating joint proposals to be attached to the report to be submitted to the Assembly. "

The resolution proposed was adopted by the Council.

⁽¹⁾ Where abbreviated titles were employed in the text of the Council's resolution, the full titles of the organisations have been substituted.



II. CONVOCATION OF A COMMITTEE OF REPRESENTATIVES OF THE WOMEN'S INTERNATIONAL ORGANISATIONS.

On February 13th, 1931, the Secretary-General wrote to the organisations mentioned in the Council's resolution informing them that, in his opinion, the procedure contemplated in the last paragraph of the resolution would furnish the most convenient method by which they could be consulted and their views placed before the Assembly. He therefore invited them to enter into communication with one another with a view to the establishment of a committee.

The Secretary-General's invitation was accepted by all the organisations concerned, with the exception of the World's Young Women's Christian Association, which preferred not to be represented on the Committee, as it had never adopted an official policy on the question to be discussed.

The Committee met in the Secretariat's offices on July 2nd and the following days. It drew up the report which, in accordance with the Council's resolution, is reproduced in the annex to the present document.

III. PREVIOUS CONSIDERATION OF THE QUESTION UNDER THE AUSPICES OF THE LEAGUE OF NATIONS.

The League has been concerned with the question of the nationality of women as part of the general question of codification of international law on the subject of nationality.

1. *Committee of Experts for the Progressive Codification of International Law.*

Nationality was selected as a possible subject for codification by the Committee of Experts for the Progressive Codification of International Law in 1926, after consideration of a report of a Sub-Committee composed of M. Rundstein (Rapporteur), M. de Magalhães and M. Schücking. In the draft Convention annexed to this report, however, it was not proposed to deal directly or completely with the question of equality of the sexes in the matter of nationality. Provisions were inserted merely to provide against cases of total loss of nationality or double nationality arising as a result of marriage or change of the husband's nationality and for the purpose of enabling a woman who, on marriage, lost her nationality without acquiring that of her husband to obtain a passport and enjoy diplomatic protection.

The Rapporteur was aware that the suggestions made in the report fell short of what was demanded by those who considered that both sexes should stand on the same footing as regards nationality. He had considered, in particular, a provisional draft international Convention on the nationality of married women which had been drawn up by the International Women's Suffrage Alliance. The reasons why he felt unable to go beyond the proposals above described are indicated in the following passage of his report :

“ Although the establishment of a world law on this subject, or the adoption as a basis for internal laws of the general principles embodied in the draft, is very desirable, it cannot be affirmed that the moment for such measures has come. The obstacles in the way of such a solution would seem to be very great, for it is not likely that the States of the Continent of Europe would be inclined to accept, without any limitation, the principle that the marriage of a foreign woman with a national does not involve the loss of her original nationality. Even countries which recognise the right of a woman who is a national and who marries a foreigner to refuse to acquire the foreign nationality of her husband (unilateral system) might seriously object to the reciprocal application of this principle.

“ I am of opinion, therefore, that the introduction of the general principles laid down in the above-mentioned draft Convention concerning the nationality of married women would now be premature, and can only be contemplated as a later stage in the work of codification. In the work of progressive codification, the greatest caution is required, in order not to compromise the possibilities of a general international regulation to which internal laws would be subordinated. For this reason, an attempt must be made to prevent or to remove the most acute and harmful conflicts, while taking into account the political obstacles which might make even the most modest work of codification impossible. In view of the impossibility — which I suppose to be only temporary — of settling all conflicts regarding the nationality of married women, I am of opinion that, in present circumstances, only *three problems* can form the subject of international regulation.”

The Committee of Experts transmitted M. Rundstein's report to the Governments and ultimately to the Council as indicating the extent to which, in its opinion, the question of nationality lent itself to regulation by international agreement.

2. *Preparatory Committee for the Codification Conference.*

The Assembly having decided to place the subject of nationality on the agenda of the Codification Conference which met at The Hague in March and April 1930, the Preparatory Committee which was appointed to prepare bases for discussion at the Conference circulated to the Governments, in accordance with the instructions given it by the Assembly, a list of points on which the Governments were invited to state their views, both as to existing international law and practice and as to any modifications therein which might be desirable.

The question of the nationality of women formed the object of three such points — namely :

Point XI — Effect of marriage upon the nationality of the wife ;

Point XII — Effect of dissolution of a marriage upon the nationality of the wife ;

Point XIII — Other effects of marriage upon nationality.

The conclusions drawn by the Committee from the replies which were made by the Governments were stated as follows in its report :

Point XI.

“ The replies submitted do not make it possible at present to hope for a general agreement establishing either the rule that marriage does not affect the wife's nationality or the rule that the wife takes by marriage the nationality of her husband.

“ It appears at least possible, and it is desirable, to prevent the operation of conflicting legal rules from causing a woman to lose her nationality, as the result of marriage, without acquiring another. It would be sufficient for this purpose to agree that the loss of the one nationality shall be conditional on the acquisition of the other. The two contrasting legal systems remain unaffected, but the woman will be prevented from becoming stateless.”

Point XII.

“ Here the divergences between different legal systems may involve the wife either in loss of all nationality or in double nationality. It is desirable to establish a concordance between her recovery of her former nationality and her loss of the nationality acquired by her marriage, making such loss dependent on the recovery of the former nationality. On the other hand, instead of contemplating a recovery of the former nationality operating automatically and in every case, it appears proper to allow it only on application by the woman herself ; it is to be presumed that she will take account of the interests of her children.”

Point XIII.

“ It does not seem possible to extract from the replies any point on which a further basis of discussion is needed.”

The Committee transmitted to the Conference bases of discussion in accordance with these conclusions (Bases Nos. 16 to 19: see Minutes of the First Committee of the Conference, page 277).

3. *Codification Conference held at The Hague from March 13th to April 12th, 1930.*

The question of nationality was discussed in the First Committee of the Conference on which all the delegations were represented.

The discussion of the question of the nationality of women was not confined within the limits of the Bases of Discussion which, as stated in the last section, had been drawn up by the Preparatory Committee.

On March 15th, the Bureau of the Conference received a joint deputation from the International Council of Women and the International Alliance of Women for Suffrage and Equal Citizenship, supported by other international and national bodies. The deputation presented to the Bureau a memorandum setting out briefly the desiderata of the organisations which it represented, and explanatory statements were made to the Bureau by various members of the deputation. The Bureau transmitted the memorandum and the record of its interview with the deputation to the First Committee.¹

On April 1st, the Committee itself heard statements from representatives of the organisations which had put forward the memorandum.

The results of the discussion in the First Committee were summarised in its report to the Conference in the following passage of its report :

“ BASIS No. 16.

“ A very full discussion took place on the question of the nationality of married women. Further, the Committee, before taking its decisions, heard the views of the delegations of the women's international associations, who, after being received by the Bureau of the Conference, expressed the desire to lay their views also before the Committee itself at a plenary meeting.

“ Thus, the texts of Bases 16 to 19 were adopted with a full knowledge of the facts and after an exhaustive examination both of the situation and of existing tendencies.

¹ These documents are reproduced as an annex to the Minutes of the First Committee of the Conference.

“ Basis No. 16 provides that, if the national law of the wife causes her to lose her nationality on marriage with a foreigner, this consequence shall be conditional on her acquiring the nationality of the husband. As already observed, this text forms a compromise between two diametrically opposed conceptions — that of the countries which consider that, in the matter of nationality, there should be complete equality between the sexes, and that of the countries in which the status of the husband governs that of the wife. Although some countries admit the former principle in their laws either wholly or in part, and apply it more or less completely, the laws of many countries provide that, from the point of view of nationality, the wife must, as a rule, follow her husband.

“ It was observed that the co-existence of these two principles — the freedom of the wife on the one hand and the unity of the family on the other — had the effect of increasing the number of cases of double nationality and also of statelessness. In point of fact, a woman can lose her nationality through marriage with a foreigner, and, being unable to acquire that of her husband, can become stateless ; while, on the other hand, retaining the nationality she possesses by birth, she can also acquire that of her husband. For that reason the Committee, without attempting to decide in favour of either of the two existing systems — indeed, that is rather the duty of the legislatures of the different countries — simply endeavoured to remedy some of the defects resulting from existing conditions and, in particular, the case of statelessness provided for in the text of this Basis. If States adopt this text, progress will have been made in eliminating cases of statelessness among married women.

“ Several delegations had proposed to add a provision to the effect that a woman who, according to her national law, is entitled, on marrying a foreigner, either to take her husband’s nationality or to retain her own nationality, does not lose her nationality unless she acquires her husband’s nationality under the latter’s national law.

“ The delegations which proposed this additional paragraph withdrew it, because the Committee thought, first, that the case was covered by the text of the Basis, and also because the possibility referred to in this proposal would, in practice, very seldom arise. A woman who, under her national legislation, is allowed an option, will certainly not renounce her nationality until she has made sure that, according to the law of her husband’s country, she can acquire her husband’s nationality.

“ The text adopted by the Committee, by thirty-two votes to two, has become Article 8 of the Convention :

“ Article 8.

“ If the national law of the wife causes her to lose her nationality on marriage with a foreigner, this consequence shall be conditional on her acquiring the nationality of the husband.

“ RECOMMENDATION.

“ Although, in order to harmonise, as far as possible, the various opinions expressed, the Committee did not feel itself called upon to introduce any alterations in Basis No. 16, it nevertheless agreed to the suggestion, put forward by various delegations, to adopt a *vœu* pointing out that there was a fairly pronounced tendency to place both sexes on an equal footing in the matter of nationality, taking into consideration the interest of the children, and also to allow a woman who marries a foreigner greater freedom in the matter of retaining her nationality of origin.

“ In this connection, the Committee combined in one text two proposals submitted, one by the Belgian delegation and the other by the delegation of the United States of America and, by twenty-seven votes to two, it adopted the following recommendation :

“ VI. The Conference recommends to the States the study of the question whether it would not be possible :

“ (1) To introduce into their law the principle of the equality of the sexes in matters of nationality, taking particularly into consideration the interests of the children ;

“ (2) And especially to decide that, in principle, the nationality of the wife shall henceforth not be affected without her consent either by the mere fact of marriage or by any change in the nationality of her husband.

“ BASIS No. 17.

“ The text of the Preparatory Committee, which the Committee adopted by thirty votes to two and which has become Article 9 of the Convention, is as follows :

“ Article 9.

“ If the national law of the wife causes her to lose her nationality upon a change in the nationality of her husband occurring during marriage, this consequence shall be conditional on her acquiring her husband’s new nationality.

“ BASIS No. 18.

“ The Committee rejected a proposal to omit this Basis and adopted the text of the Preparatory Committee by twenty-three votes to seven. This has become Article 10 of the Convention.

“ Article 10.

“ Naturalisation of the husband during marriage shall not involve a change in the nationality of the wife except with her consent.

“ BASIS No. 19.

“ The Committee did not accept a proposal to delete this Basis. By twenty-six votes to two it adopted the following text, which was become Article 11 of the Convention.

“ Article 11.

“ The wife who, under the law of her country, lost her nationality on marriage shall not recover it after the dissolution of the marriage except on her own application and in accordance with the law of that country. If she does recover it, she shall lose the nationality which she acquired by reason of the marriage.

“ The Committee then adopted, in the form of a recommendation, a Polish proposal, supported by the delegation of Salvador, to the effect that a woman who becomes a stateless person in consequence of her marriage may obtain a passport from the State of which her husband is a national.

“ This recommendation, which was adopted by all the members except two, reads as follows :

“ VII. The Conference recommends that a woman who, in consequence of her marriage, has lost her previous nationality without acquiring that of her husband, should be able to obtain a passport from the State of which her husband is a national.”

On April 10th, the conclusions of the First Committee were submitted to the Conference, which adopted the draft Convention on Nationality and the two recommendations dealing with the nationality of women put forward by the Committee.

4. *Resolution proposed by the Cuban Delegation in the First Committee of the Assembly in 1930.*

During the course of the discussion of the question of progressive codification of international law in the First Committee of the Assembly in 1930, the following resolution was submitted by the representative of Cuba :

“ Whereas the Conference for the Codification of International Law, held at The Hague in 1930, adopted a Convention on Nationality, and some States represented at the Conference did not accept it in its entirety, or submitted reservations in respect of certain articles thereof, and, further, no State has hitherto ratified this Convention ;

“ Whereas the same Conference, after approving the Convention on Nationality, adopted a resolution recommending the States to study the possibility of introducing into their respective legislations the principle of the equality of the sexes in matters of nationality ;

“ Whereas the First Committee is instructed by the Assembly to consider Item 19 of the agenda regarding the Progressive Codification of International Law :

“ The Cuban delegation proposes to the Committee to submit to the Assembly, among the other points dealt with in its decisions on codification, the following resolution :

“ ‘ The Assembly begs the Council to examine whether it would be desirable to take up again, with a view to the next Conference for the Codification of International Law, the question of the nationality of women.’ ”

The Committee decided that the question of progressive codification should be adjourned to the Assembly's session of 1931 and no discussion of the above proposal took place.

IV. QUESTIONS TO BE DECIDED BY THE ASSEMBLY.

As regards the nationality of women, the results attained at the Hague Conference were :

1. The adoption of a Convention the general application of which would prevent differences in the nationality laws of different countries from causing a woman to be without nationality as the result of marriage or of a change in her husband's nationality (Articles 8 and 9) and prevent automatic change of the nationality of a married woman as the result of naturalisation of her husband or dissolution of the marriage (Articles 10 and 11), together with a recommendation for the granting of passports to women who are without nationality as the result of marriage.

2. A recommendation to States to introduce the principle of the equality of the sexes more fully into their nationality laws.

At the date of the present report the Convention had been signed by :¹

Australia	France	Mexico
Austria	Germany	The Netherlands
Belgium	Great Britain and Northern Ireland	Norway
Canada		Peru
Chile	Greece	Poland
China	Hungary	Portugal
Colombia	Iceland	Salvador
Cuba	India	Spain
Czechoslovakia	Irish Free State	Sweden
Free City of Danzig	Italy	Switzerland
Denmark	Japan	Union of South Africa
Egypt	Latvia	Uruguay
Estonia	Luxemburg	Yugoslavia

Ratifications and accessions had been given by : Monaco, Norway.

The Convention will enter into force ninety days after ten ratifications or accessions have been deposited.

The main question to be decided by the Assembly is whether it is desirable for the League to resume examination of the subject of the nationality of women in the light of the desiderata of the women's organisations, which are set out in the annex to the present report, or whether the results attained at the Hague Conference represent the maximum extent to which it is possible to secure general international agreement on this subject at the present moment.

The Assembly will doubtless, in any case, desire to bear in mind (a) the recommendation made by the Hague Conference itself that subjects should not be placed on the agenda of a conference until the Governments had been fully consulted as to the desirability of dealing with them and a substantial majority had expressed itself in favour of so doing ; (b) the resolution adopted by the Assembly on October 3rd, 1930, on the proposal of the First Committee, for the purpose of ensuring careful investigation, and full consultation of the Governments, before a question is referred to a conference. The resolution of 1930 provides that, in the normal case, after the desirability of international action on a question has been recognised in principle, a first preliminary draft of a convention shall be submitted to the Governments for their observations, and that the Assembly shall decide, in the light of those observations, whether to propose to the Council to convene a conference. If the Assembly recommends that a conference shall be held, the Council is to arrange for the revision of the draft convention in the light of the Governments' replies, and the new draft, with the replies of all the Governments, is to be communicated to each Government for its observations. The final decision as to convening the conference is to be taken in the light of this second consultation of the Governments.

If the Assembly decides to take up the question of the nationality of women, it might be convenient that the first step should be the transmission to the Governments of the present report, which sets out the desiderata of the women's organisations and, possibly, also of the relevant Minutes of the discussion in the competent Committee of the Assembly, and that the Governments should be requested to submit their observations for consideration by the Assembly at its next session. If a conference is contemplated, it will doubtless ultimately be convenient for the Assembly to ask the Council to set up a special committee, on which the diverse views expressed at the Hague Conference would be duly represented, and which would report as to the possibility and desirability of action and, eventually, be charged with the preparation and subsequent revision of a draft convention. Previous consultation of the Governments would, however, probably not, in fact, involve any real delay in dealing with the matter, since the special committee could, for financial and administrative reasons, not meet until after the Disarmament Conference, and since, however representative its character, it might have difficulty in reaching conclusions without information as to how far the views of the Governments may have been affected by the consideration which they will have been able to give to the discussions at The Hague.

¹ The following Governments at the moment of signature excluded from their acceptance certain of the articles dealing with the nationality of women : Colombia (Article 10) ; Cuba (Articles 9, 10 and 11) ; Denmark (Article 11) ; Japan (Article 10) ; the Netherlands (Articles 8, 9 and 10) ; Sweden (Article 11, second sentence) ; Switzerland (Article 10).

ANNEX.

**Proposals of the Committee of Representatives of Women's
International Organisations.**

The Committee of representatives of women's international organisations, which met in response to the invitation addressed by the Secretary-General to the organisations named in the Council's resolution of January 24th, 1931, drew up the following document, which was officially transmitted to the Secretary-General on July 16th.

REPORT TO THE SECRETARY-GENERAL TO BE TRANSMITTED TO THE ASSEMBLY OF THE
LEAGUE OF NATIONS BY THE WOMEN'S CONSULTATIVE COMMITTEE ON NATIONALITY
CREATED BY THE JANUARY 1931 COUNCIL OF THE LEAGUE OF NATIONS.

Chairman of Committee: Maître Maria VÉRONE

Secretary: Dorothy Elizabeth EVANS.

July 6th, 1931.

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**Statement by Women's Consultative Committee on Nationality with regard to the Hague
Nationality Convention.**

Realising the far-reaching consequences for women — for greater freedom or greater subjection — involved in the project of the League of Nations for the codification of international law, which may lead to the establishing of a World Code of Law, this Committee presents the following statement concerning the Nationality Convention drawn up by the Hague Codification Conference in 1930, and which was designed to form the opening section of the proposed Code :

1. This Committee declares that it is opposed to the Hague Nationality Convention inasmuch as it differentiates between men and women as regards nationality.

2. This Committee wishes to express its support of the proposal put before the Hague Codification Conference by the delegation from Chile for a world agreement on nationality, reading :

“ The Contracting States agree that, from the going into effect of this Convention there shall be no distinction based on sex in their law and practice relating to nationality.”

3. This Committee, finally, urges the Assembly of the League of Nations to take immediate steps :

- (a) To bring about the reconsideration of the Hague Nationality Convention ;
and
(b) To submit to the Governments for ratification a new Convention founded on the principle of equality between men and women with regard to nationality.

Memorandum in Support of Preceding Statement.

I. ARTICLES OF THE HAGUE NATIONALITY CONVENTION RELATING TO WOMEN.

The articles of the Hague Convention relating particularly to the nationality of women are as follows :

“ *Article 8.* — If the national law of the wife causes her to lose her nationality on marriage with a foreigner, this consequence shall be conditional on her acquiring the nationality of the husband.

“ *Article 9.* — If the national law of the wife causes her to lose her nationality upon a change in the nationality of her husband occurring during marriage, this consequence shall be conditional on her acquiring her husband’s new nationality.

“ *Article 10.* — Naturalisation of the husband during marriage shall not involve a change in the nationality of the wife except with her consent.

“ *Article 11.* — The wife who, under the law of her country, lost her nationality on marriage shall not recover it after the dissolution of the marriage except on her own application and in accordance with the law of that country. If she does recover it, she shall lose the nationality which she acquired by reason of the marriage.

These articles, which are directed mainly to preventing statelessness and dual nationality, would, if ratified, give recognition in an international convention to the old idea of the subordinate position of women in the matter of nationality and to the old custom by which a woman’s nationality was made to depend upon that of her husband. These articles, it should be noted further, are at variance with the point of view expressed in the Recommendation (No. VI) concerning the nationality of women, which was also adopted by the Hague Conference and which reads as follows :

“ The Conference recommends to States the study of the question whether it would not be possible :

“ (1) To introduce into their law the principle of the equality of the sexes in matters of nationality, taking particularly into consideration the interests of the children ;

“ (2) And especially to decide that, in principle, the nationality of the wife shall henceforth not be affected without her consent either by the mere fact of marriage or by any change in the nationality of her husband.”

II. OPPOSITION TO THE CONVENTION.

The inclusion in the Hague Convention of articles giving an inferior position to women is a matter of the utmost gravity because of the psychological effect of the adoption of such a Convention upon the status of women all over the world. Women deeply resent the writing into an international agreement of articles founded upon the theory of the subjection of women. To recognise in practice this old idea is a refusal to treat a woman as a citizen in her own person. It is to deny her the status of an adult. Furthermore, it gives recognition to a system which has serious practical as well as spiritual consequences ; a system which may deprive her of the vote ; may deprive her at home and abroad of the protection of her own Government ; may subject her even in her native land to the restrictions placed on aliens ; may deprive her of the benefits of state insurance and other state assistance ; may make it impossible for her to hold public office, to exercise her profession, to obtain paid employment, to own and inherit property, and may place under other disabilities.

A code of international law should express the highest ideals. For this reason the Convention on Nationality should stand unequivocally for equality between men and women. The fact that some countries are not yet ready to accept such a Convention is not a reason for compromise with regard to the principle of equality. Any country not ready to accept the Convention in full with regard to this point could make reservations until a time when its legislation could be brought into harmony with the Convention.

III. DEMAND FOR RE-OPENING THE QUESTION OF THE CONVENTION.

In support of the recommendation for re-opening the question of the Hague Convention, this Committee calls to the attention of the Assembly that it is of the greatest importance for the success of the proposed codification of international law that the Code should command the support of women. This support can never be received if the Code contains discriminations against women, such as are found in the Nationality Convention adopted at The Hague.

It is also of the greatest importance for the success of the proposed codification that the Code should command the support of those countries — countries which already comprise so great a part of the world — in which there is a large measure of equality between men and women in their own nationality laws. This support can never be attained in full measure if the Code contains articles which give women a subordinate status in the matter of nationality.

Finally, in support of the demand for the re-opening of the Convention, this Committee points out that the inferior position given to women in the Convention violates that principle of justice upon which alone there can be based an enduring system of law.

IV. PRESENT STATUS OF THE CONVENTION.

According to Articles 25 and 26 of the Hague Convention, the Convention will only come into operation when ten countries have ratified it. Only two countries, Monaco and Norway, have ratified as yet, and there is therefore no Convention actually in existence, but only a proposal for a Convention.

Of the sixty-six countries which were invited to subscribe to the Hague Convention, twenty-seven countries have not signed the Convention or adhered to it. They are : Abyssinia, Albania, United States of America, the Argentine, Bolivia, Brazil, Bulgaria, Costa Rica, Dominican Republic, Ecuador, Finland, Guatemala, Haiti, Honduras, Liberia, Lithuania, New Zealand, Nicaragua, Panama, Paraguay, Persia, Roumania, San Marino, Siam, Union of Soviet Socialist Republics, Turkey and Venezuela.

Of the thirty-seven countries which have signed the Convention, seven countries have made reservations relating to the nationality of women. These seven are : Colombia, Cuba, Denmark, Japan, the Netherlands, Sweden and Switzerland.

One country, the United States of America, has not only refused to sign the Convention, but it also voted against the Convention at the Hague Conference. One of the grounds for the opposition of his Government to the Convention given by the Acting Secretary of State was : " We do not, in our laws, make differences — or make few or relatively unimportant differences — as to rights of men and women in matters of nationality ".

The above facts would seem to indicate that there is considerable dissatisfaction with the proposed Convention on the part of Governments as well as on the part of women's organisations.

V. EVOLUTION OF POSITION OF WOMEN IN REGARD TO NATIONALITY.

At the end of the first decade of the twentieth century, throughout practically the entire world, with the exception of certain of the South American Republics, the nationality of a woman was made to derive from that of her husband. If she married a foreigner, she became an alien and was treated as such even in her own country. The rule applied also when the husband was naturalised after marriage in another country ; his wife was forced to adopt his new allegiance.

In recent years, however, there has been a very great change in the status of women in the matter of nationality. Eighteen countries, for example, have radically amended their laws within the last thirteen years in the direction of recognising the independent nationality of the married woman. These countries, with the years in which the principal advances were made, are as follows : The Union of Soviet Socialist Republics (1918) ; Belgium (1922) ; Estonia (1922) ; the United States of America (1922) ; Norway (1924) ; Roumania (1924) ; Sweden (1924) ; Denmark (1925) ; Iceland (1926) ; Guatemala (1926) ; Finland (1927) ; France (1927) ; Turkey (1928) ; Yugoslavia (1928) ; Albania (1929) ; China (1929) ; Cuba (1929) ; Persia (1929).

In still other countries, there have been lesser changes, though considerable in many instances, in the direction of equality in nationality. The result of this evolution is that, to-day, nearly half the population of the world lives under laws which recognise in large measure the independent nationality of the married woman.

Not only has there been a great change in the actual position of women under the laws relating to nationality, there has also been an ever-growing demand on the part of women for reform in this field. Since 1905, when women began to work internationally upon this subject, one body of women after another has joined in the movement, until to-day practically all of the international organisations of women, with branches in nearly every country and representing many millions of women, are united in the demand for recognition of the right of a woman to her own independent nationality. The Hague Convention has failed entirely to take into account this new position of women. It has failed also to take into account the strength of the demand on the part of women for equality in any international convention adopted upon this subject.

VI. CONSIDERATION OF ARGUMENTS AGAINST EQUALITY IN NATIONALITY.

1. *Conflicts of Law.*

One of the arguments advanced against the proposal for equality between men and women in nationality is that equality would increase the conflicts in law, causing, in particular, an increase in statelessness and double nationality. In answer, it is pointed out that there will be conflicts in law as long as there exist side by side the old system under which the

wife is compelled to take the nationality of her husband and the new system under which the wife has the right to retain her own nationality upon marriage. Conflicts can be lessened by a universal adoption of the new system as well as by a universal return to the old system. It is not the recognition of the independent nationality of the woman which has caused statelessness and double nationality, it is the failure to make this system universal which is the difficulty.

2. *Unity of the Family.*

It is also contended that equality in nationality would interfere with the unity of the family. This is using the word "unity" in a double sense. It is confusing the unity which is harmony within a family with juridical unity. It is only juridical unity which can be imposed by law. Moreover, even in countries where the old rule of the subordination of the woman in nationality is still in force, juridical unity does not necessarily exist any more than where right of a woman to her independent nationality is recognised. For instance, in some countries where the wife is compelled to take her husband's nationality upon marriage, the husband may change his nationality after marriage without affecting the nationality of his wife, so that the husband and wife would have, in consequence, different nationalities. Another example is that of a child born under the *jus soli* system. In such a case, the child is frequently of a different nationality from that of the parents. In addition, unity of nationality does not mean that members of a family who have the same nationality necessarily live under the same legal system. For example, in countries in which civil status depends on nationality, this status is sometimes affected by the fact that the domicile is in a country which allows civil rights to be exercised regardless of nationality. An instance is when a new domicile acquired by a husband enables him to make an effective will contrary to that allowed by the law of the country of which he and his family are nationals.

3. *Facilities for acquiring Nationality of Spouse.*

A further objection offered is that equality in nationality might result in husband and wife having different nationalities when it would be to their interest to have the same nationality. In answer to this point, attention is called to the fact that there are countries which have equality in nationality and which also facilitate the naturalisation of a foreigner — whether a man or woman — who marries a national of the country, so that the husband and wife are enabled to have the same nationality if they so desire.

4. *Derivation of Child's Nationality from a Parent.*

Another point raised is that it would be difficult to give a father and mother an equal right to transmit nationality to their child. In answer, it is pointed out that there are number of countries which have already established equality between the father and mother in this field. For example, in some countries equality between the father and mother results, primarily, from the fact that the nationality of the child is made to depend on the place of birth of the child and not upon the nationality of the parents, neither parent having the right to transmit nationality by blood. In other countries, a man who marries a foreigner gives his nationality to his child, and, equally, a woman who marries a foreigner but does not change her nationality on marriage gives her nationality to her child. In another country, equality between the father and mother has been attained by making the nationality of the child depend either upon the residence of the parents at the time of the birth of the child or upon agreement between the parents.

In general, it may be said, with regard to the fears expressed concerning equality in nationality, there are five countries in which equality between men and women in every field of nationality is already in existence. These countries seem to consider that the results are completely satisfactory, and to have no thought of returning to the old system of inequality.

VII. PRACTICAL APPLICATION OF EQUALITY IN NATIONALITY.

The Committee wishes to point out, with regard to the demand for equality between men and women in nationality, that the most important and necessary applications of this principle are :

(a) That marriage should no more affect the nationality of a woman than it affects the nationality of a man ;

(b) That the right of a woman to retain her nationality or to change it by naturalisation, denationalisation or denaturalisation should not be denied or abridged because she is a married woman ;

(c) That the nationality of a woman, whether married or unmarried, should not be changed or lost except under conditions which cause a man to change or lose his nationality ;

(d) That facilities of choice should be given to either spouse on marriage to take the nationality of the other ;

(e) That with respect to the derivation of nationality from a parent, the nationality of one parent should be given no preference over that of the other.

In conclusion, the Committee calls to the attention of the Assembly that to write into this Convention an unequal treatment of men and women is in direct opposition to the principle laid down by the Assembly that the spirit of the codification "should not confine itself to the mere registration of existing rules, but should aim at adapting them, as far as possible,

to contemporary conditions of international life ” ; a principle also accepted by the Preparatory Committee of the Codification Conference when it declared that “the work of codification involves the risk of setback in international law if the content of the codification instrument is less advanced than the actually existing law.”

THE CODIFICATION OF INTERNATIONAL LAW SHOULD BE FOUNDED ON EQUALITY AND JUSTICE.

<i>International Council of Women :</i>	(Signed)	Maria VÉRONE. Louisa C. A. VAN EEGHEN.
<i>Women's International League for Peace and Freedom :</i>		Madeleine Z. DOTY. Eugénie M. MELLER.
<i>Inter-American Commission of Women :</i>		Alice PAUL. Doris STEVENS.
<i>Equal Rights International :</i>		Dorothy EVANS. Margaret Fay WHITTEMORE.
<i>World Union of Women for International Concord :</i>		Clara Guthrie d'ARCIS. Marguerite L. NOBS.
<i>All-Asian Conference of Women :</i>		Dr. Rosa Welt STRAUS. May OUNG.

The International Alliance of Women for Suffrage and Equal Citizenship and the International Federation of University Women sign the report on the understanding that the equality asked for includes the right of a married woman to her independent nationality and that the nationality of a woman shall not be changed by reason only of marriage or a change during marriage in the nationality of her husband.

<i>International Alliance of Women for Suffrage and Equal Citizenship :</i>	(Signed)	Margery I. CORBETT ASHBY. Dr. B. BAKKER NORT.
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The International Federation of University Women gives its support to the above report so far as it deals with a woman's own nationality and takes no position in so far as the report deals with the derivation of the nationality of a child from its mother, since the Federation has taken no decision on this aspect of nationality.

<i>International Federation of University Women :</i>	(Signed)	Chrystal MACMILLAN. N. SCHREIBER-FAVRE.
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Appendix.

TABLES SHOWING EXTENT TO WHICH EQUALITY IN NATIONALITY ALREADY EXISTS.¹

I. *There are five countries* in which a woman, to-day, has equality with a man in all matters connected with nationality, both as regards her own nationality and as regards the capacity to transmit nationality to her child.

Argentine. — (Law No. 346, October 8th, 1869 ; opinion of Argentine Supreme Court, June 12th, 1902 ; Decree of Minister for Foreign Affairs, October 8th, 1920 ; information supplied by Foreign Office, Argentina).

Chile. — (Constitution, Articles 5 (1, 2, 3, 4,) and 6 ; Law No. 747, December 15th, 1925 ; information supplied by Ministry for Foreign Affairs, Chile).

Paraguay. — (Constitution, Articles 35 (1, 2, 3,) 36 and 40 ; information supplied by Juridical Assessor of the Ministry of Paraguayan Government, Paraguay).

Union of Soviet Socialist Republics. — (Law, April 22nd, 1931, Code No. 24 of Rules and Regulations Nos. 195, 196 ; information supplied by U.S.S.R. Society for Cultural Relations with Foreign Countries, Moscow).

Uruguay. — (Constitution, Article 7 ; Decree of Minister for Foreign Affairs, November 30th, 1928 ; information supplied by Uruguayan Legation, Washington).

¹ The statements in the following tables have been submitted, through the Nationality Committee of the Inter-American Commission of Women, to the Foreign Office or to the Washington Embassy or Legation of each of the countries concerned, and have been verified and approved, in each instance, by either the Foreign Office or the Washington representative of the country in question. The tables give the laws as they stood in June 1931.

II. *There are nineteen countries*¹ in which the marriage of a woman national to a foreigner does not deprive her of her nationality without her consent.

Albania. — (Civil Code, Article 15).

Argentine. — (Opinion of Argentine Supreme Court, June 12th, 1902).

*Belgium.*² — (Nationality Law, May 15th, 1922, Article 18 (2, 3) ; Nationality Law, August 4th, 1926, Article 17).

Brazil. — (Information supplied by Ministry for Foreign Relations, Brazil).

Chile. — (Information supplied by Ministry for Foreign Affairs, Chile).

China. — (Nationality Law, February 5th, 1929, Article 10 (1)).

Colombia. — (Constitution, Article 9 ; decision by Ministry for Foreign Affairs in case of Senora Reyes Gnecco de Dugand, March 24th, 1888 ; decision by Ministry for Foreign Affairs in case of Senora Emma Hulsman, 1923 ; information supplied by Ministry for Foreign Affairs, Colombia).

Cuba. — (Civil Code, Article 22nd, amended July 1st, 1929).

Estonia. — (Law No. 87, October 27th, 1922, Article 19 (1) ; statement by Estonian Government in letter of October 29th, 1928, in reply to League of Nations questionnaire, Section XI).

Guatemala. — (Civil Code, Article 151).

Liberia. — (Information supplied by Department of Justice, Liberia).

Panama. — (Information supplied by Ministry for Foreign Relations, Panama).

Paraguay. — (Information supplied by Juridical Assessor of Ministry of Paraguayan Government, Paraguay).

Roumania. — (Nationality Law, February 23rd, 1924, Article 38).

Union of Soviet Socialist Republics. — (Law, April 22nd, 1931, Code No. 24 of Rules and Regulations, Nos. 195, 196).

Turkey. — Law No. 1312, May 28th, 1928, Articles 7, 8, 13 ; Instructions relative to the Application of the Law of May 1928, issued by Turkish Government, Article 13 (b)).

United States of America. — (Act of Congress, September 22nd, 1922, as amended July 3rd, 1930, and March 3rd, 1931, Section 3 (a)).

Uruguay. — (Information supplied by Uruguayan Legation, Washington).

Yugoslavia. — (Nationality Law, September 21st, 1928, Article 29 ; Regulations by Minister of Interior for execution of the Law, December 28th, 1928, Articles 56, 57, 58).

III. *There are twelve countries*³ in which the marriage of a foreign woman to a national of a country does not compel her to take her husband's nationality without her consent.

Argentine. — (Opinion of Supreme Court, June 12th, 1902 ; Decree of Minister for Foreign Affairs, October 8th, 1920).

Belgium. — (Nationality Law, May 15th, 1922, Article 4 ; Nationality Law, August 4th, 1926, Article 12).

Brazil. — (Information supplied by Ministry for Foreign Relations, Brazil).

Chile. — (Information supplied by Ministry for Foreign Affairs, Chile).

Colombia. — (Information supplied by Ministry for Foreign Affairs, Colombia).

Ecuador. — (Constitution, Article 9 (4) ; information supplied by Ministry for Foreign Relations, Ecuador).

Guatemala. — (Civil Code, Article 151).

¹ In addition to the countries listed, there are several in which, *under many circumstances*, the marriage of a woman to a foreigner does not deprive her of her nationality without her consent. These countries are not included in the above list, however, as in these countries, *under certain circumstances*, a woman who marries a foreigner loses her own nationality as a result of the marriage, regardless of her consent. An example is France. A French woman who marries a foreigner is not deprived of French nationality without her consent, excepting when the married couple fix their first domicile after the marriage outside of France and when, in addition, the wife acquires the husband's nationality by the marriage according to the law of his country (French Nationality Law, August 10th, 1927, Article 8).

² This statement does not apply to a woman who has become Belgian by marriage.

³ In addition to the countries listed, there are several in which, *under many circumstances*, the marriage of a foreign woman to a national of a country does not compel her to take her husband's nationality without her consent. These countries are not included in the above list, however, as in these countries, *under certain circumstances*, a foreign woman who marries a national of the country in question is compelled to take her husband's nationality regardless of her consent. France may be given again as an example. A foreign woman who marries a Frenchman is not obliged to take French nationality regardless of her consent, excepting when by the law of her country she necessarily follows the nationality of her husband (French Nationality Law, August 10th, 1927, Article 8).

Panama. — (Information supplied by Ministry for Foreign Relations, Panama).

Paraguay. — (Information supplied by Juridical Assessor of Ministry of Paraguayan Government, Paraguay).

Union of Soviet Socialist Republics. — (Law, April 22nd, 1931, Code No. 24 of Rules and Regulations, Nos. 195, 196).

United States of America. — (Act of Congress, September 22nd, 1922, as amended July 3rd, 1930, and March 3rd, 1931, Section 2).

Uruguay. — (Decree of Minister for Foreign Affairs, November 30th, 1928).

IV. *There are eighteen countries* in which the acquiring of a new nationality by a man after marriage, or the relinquishing of his old nationality, does not carry with it a corresponding change in the nationality of his wife without her consent.

Argentina. — (Decree of Minister for Foreign Affairs, October 8th, 1920 ; information supplied by Foreign Office, Argentina).

*Belgium.*¹ — (Nationality Law, May 15th, 1922 Articles 4, 15, 18 (3) ; Nationality Law, August 4th, 1926, Articles 12, 17).

Brazil. — (Decree No. 569, June 7th, 1899 ; Decree No. 6948, May 14th, 1908 ; information supplied by Ministry for Foreign Relations, Brazil).

Bulgaria. — (Nationality Law, January 5th, 1904, as amended to July 24th, 1924, Articles 11, 23).

Chile. — (Constitution, Articles 5 (3, 4), 6 ; Law No. 747, December 15th, 1925 ; information supplied by Ministry for Foreign Affairs, Chile).

Dominican Republic. — (Constitution, Article 8 (4) ; Law No. 1227, December 4th, 1929, Article 2 ; information supplied by Ministry for Foreign Affairs, Dominican Republic).

Egypt. — (Law No. 19, February 27th, 1929, Article 15).

Estonia. — (Law No. 87, October 27th, 1922, Articles 11, 13, 20, 21, 22 ; statement by Estonian Government in letter of October 29th, 1928, in reply to League of Nations questionnaire, Section XI).

France. — (Nationality Law, August 10th, 1927, Articles 7, 9 ; statement by French Government in letter of November 16th, 1928, in reply to League of Nations questionnaire, Section XI).

Guatemala. — Nationality Law, May 5th, 1894 ; information supplied by Ministry for Foreign Affairs, Guatemala).

Luxemburg. — (Information supplied by Ministry of State, Luxemburg).

Monaco. — (Civil Code, Articles 9, 10, 17, 18 ; information supplied by Ministry of State, Monaco).

Paraguay. — (Constitution, Articles 36, 40 ; information supplied by Juridical Assessor of Ministry of the Paraguayan Government, Paraguay).

Portugal. — (Civil Code, Articles 18 (5), 22, Note I ; Decree of Minister of Interior, December 2nd, 1910, Articles 1, 2 ; information supplied by Ministry for Foreign Affairs, Portugal).

Union of Soviet Socialist Republics. — (Information supplied by U.S.S.R. Society for Cultural Relations with Foreign Countries, Moscow).

United States of America. — (Act of Congress, March 2nd, 1907, Section 2 ; Act of Congress September 22nd, 1922, as amended July 3rd, 1930, and March 3rd, 1931, Section 2).

Uruguay. — (Information supplied by Uruguayan Legation, Washington).

Venezuela. — (Naturalisation Law, July 13th, 1928, Articles 4 (2), 7).

V. *There are thirteen countries* in which a woman has an equal right with her husband to transmit nationality to their children.

Argentine. — (Law No. 346, October 8th, 1869, Article 1 (1, 2)).

Chile. — (Constitution, Article 5 (1, 2) ; information supplied by Ministry for Foreign Affairs, Chile).

Colombia. — (Constitution, Article 8 (1, 2) ; information supplied by Ministry for Foreign Affairs, Colombia).

¹ This statement does not apply to a woman who has become Belgian by marriage.

Dominican Republic. — (Constitution, Article 8 (2, 3) ; information supplied by Ministry for Foreign Affairs, Dominican Republic).

Ecuador. — (Constitution, Articles 7, 8 (1, 2) ; information supplied by Ministry for Foreign Relations, Ecuador).

Nicaragua. — (Constitution, Article 8 (1, 2) ; information supplied by Ministry for Foreign Relations, Nicaragua).

Panama. — (Constitution, Article 6 ; Civil Code, Article 39 (1, 2) ; Administrative Code, Articles 122 (1, 2), 125, 126 ; information supplied by Ministry for Foreign Relations, Panama).

Paraguay. — (Constitution, Articles 35 (1, 2, 3) ; information supplied by Juridical Assessor of Ministry of Paraguayan Government, Paraguay).

Peru. — (Constitution Article 59 (1, 2) ; information supplied by Ministry for Foreign Affairs, Peru).

Union of Soviet Socialist Republics. — (Law, April 22nd, 1931, Code of Laws No. 24 of Rules and Regulations, Nos. 195, 196).

Turkey. — (Law, No. 1312, May 28th, 1928, Articles 1, 2, 3, 4 ; Law No. 1414, April 6th, 1929, Article 1).

Uruguay. — (Constitution Article 7 ; information supplied by Uruguayan Legation, Washington).

Venezuela. — (Constitution Article 28 (1, 2) ; information supplied by Venezuelan Legation, Washington).
