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Geneva, July 23rd, 1932.

LEAGUE OF NATIONS

NATIONALITY OF WOMEN

Observations submitted by Governments

Note by the Secretary-General.

The question of the nationality of women was brought before the Assembly at its session of 1931, in virtue of the Council's resolution of January 24th, 1931, by a report of the Secretary-General to which were annexed proposals by a committee of representatives of various women's international organisations specially interested in the question (document A.19.1931.V.). A letter on the subject from the International Union of Catholic Women's Organisations was also communicated to the Assembly by the Council (document A.41.1931.V.). After a discussion in the First Committee, the Assembly adjourned consideration of the matter until its session of the present year, and requested the Council to invite the Governments to submit to the Assembly their observations on the subject, including their views regarding the Hague Nationality Convention of April 20th, 1930. On instructions from the Council, the Secretary-General requested the Governments of the Members of the League, and of the non-member States which were invited to the Hague Conference, to send him any observations which they might wish to present before July 1st, 1932.

The Assembly at the same time decided that it would consider any further observations which the above-mentioned committee of representatives of women's organisations might desire to present.

The present document contains the following replies from Governments which had been received at the date of its publication :

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Great Britain and Northern Ireland	6	Sweden	10
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If further replies are received from the Governments, they will be communicated to the Assembly at the opening of its session.

The observations of the committee of representatives of women's organisations will also be communicated to the Members of the League and the Assembly as soon as they are received by the Secretariat.

South Africa.

Letter of June 1st, 1932.

I have the honour to inform you that the Government of the Union of South Africa consider that generally the question of the equality between men and women in relation to the laws on nationality is a matter touching municipal law and is not, save in so far as the matter has already been dealt with in the Hague Nationality Convention, regarded as a matter for

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inclusion in the list of subjects suitable for the Codification of International Law, or in regard to which there are prospects of such unanimity as to result in codification.

The results of the Hague Conference represent the extent to which the Government of the Union of South Africa are at present prepared to make a concession to the principle of differing nationalities in the family.

It is thought, under the circumstances, that it would be premature to convene a conference to resume the examination of the nationality of women.

Germany.

Letter of July 2nd, 1932.

[*Translation.*]

The German Government is entirely favourable to the endeavours made by the women's organisations to render the nationality of the married woman more independent of that of her husband ; it has also taken steps with a view to satisfying these aspirations, in a certain measure, by a modification of German municipal law. On the other hand, however, it is of opinion that it will not be possible in the near future to bring about by an international convention a complete assimilation of the married woman's position as regards nationality with that of the man, as the women's committee proposes. This is above all shown by experience at the Hague Conference in 1930. It was there made clear that opinions in the various States on the subject were still very divided. The traditional idea of the civil unity of the family derived from the nature of the marriage union and the unity of the family, and also founded on religious principles, is still irreconcilably opposed to the idea of self-determination for women based on principles of individualism. No change in the present situation can be hoped for from an international conference of States. Governments cannot, on such subjects, propose legislation that is fundamentally at variance with the opinions existing amongst the people. It cannot be suggested that since the end of the Hague Conference any important change has taken place in the opinion of the peoples whose Government representatives at the Conference were opposed to the liberal proposals for a change as regards the nationality of women. A longer period will be necessary for such a purpose.

The German Government, therefore, feels unable to recommend that the question of the nationality of women should again so soon be brought up for discussion, since no positive result in the direction desired by the women can be hoped for from such an early reconsideration of the decisions of the Hague Conference. On the other hand, there is the danger that a resumption of international discussion of the subject may tend to check the progress of national legislation. So long as it is not clear that the decisions of the Hague Conference will be abided by, Governments will hesitate to make the changes in their municipal law that are required by the decisions of the Hague Conference and thus prepare for the ratification of the results achieved by it ; they will further be led to hesitate before taking legislative steps by which they may desire to give fuller effect to the wishes of women within the country itself. In this connection, it must be pointed out that the Hague Convention actually contains a number of important and binding provisions on the subject of the nationality of women, which necessitate a change in the law of many States in the direction of improving the legal position of women. They involve measures that should prevent a married woman from being left without any nationality as the result of marriage or of a change in the nationality of her husband. They also do away with one case of double nationality. They give women, although in a limited degree, a right to decide certain questions of nationality, particularly the important question whether the naturalisation of the husband during the marriage is to cover the wife. In the opinion of the German Government, it is therefore precisely in the interest of women that endeavours should first be made to secure the ratification of the Hague Convention by all States if possible. It would then be desirable to leave national legislation to develop further in the direction desired by women and thereby to prepare the ground for international action at a later date with better prospects of success.

Australia.

Telegram of June 28th, 1932.

Australian Government is prepared to accept principle that woman on marriage shall not lose her nationality or acquire new nationality without her consent and to amend nationality law accordingly, provided His Majesty's Governments in United Kingdom and British self-governing Dominions are agreeable take similar action, so that uniformity of nationality laws throughout Empire may be preserved, such uniformity being of importance in interests of system of Imperial naturalisation now in force. Question ratification Hague Nationality Convention under consideration.

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Belgium.

Letter of May 14th, 1932.

[*Translation.*]

I have the honour to transmit to you herewith a memorandum setting out the observations of the Belgian Government on the question of the nationality of married women — a question which is to be re-examined and discussed again at the thirteenth Assembly of the League of Nations.

The general conclusion of His Majesty's Government is that it would not be opportune *at the present time* to recommence the examination of the principles governing the nationality of married women.

The Belgian Government would, however, be quite prepared to adopt a provision under which women might, at the time of their marriage, opt for one nationality or the other.

You will observe that the memorandum also contains a statement of the Belgian Government's general impressions and conclusions regarding the Hague Convention on nationality.

His Majesty's Government is of opinion that this international Act constitutes a codification in the matter of nationality which, though incomplete, is of real importance, more especially as regards the solution of certain cases of statelessness, and is thus likely to lead to improved international relations.

1. *Nationality of Married Women.*

It would seem that a negative answer must be given *at the present time* to the question whether it would be desirable to undertake again an examination of the principles governing the nationality of married women.

After the long discussions at The Hague, in 1930, it may be said that Articles 8, 9, 10 and 11 of the General Convention represent the maximum which can at present be attained internationally.

It is sufficient to remember, as the Women's Consultative Committee at Geneva noted in its resolution of July 6th, 1931, that only nineteen countries, including Belgium, have embodied in their internal law provisions which incorporate more or less completely the principle of the independence of the married woman's nationality.

If such principles are ever to be included in a general convention, they must be adopted by two-thirds of the forty-five or forty-six States represented at the Conference — *i.e.*, by about thirty States. In other words, the moment has not yet come to re-cast the rules so laboriously drawn up at The Hague. The Belgian Government feels that it has a special title to express this opinion, because it defended the principle of the choice of nationality by married women, and because it was as a result of its initiative that the following recommendation was adopted by the 1930 Hague Conference :

> " The Conference recommends to States the study of the question whether it would not be possible to decide that in principle the nationality of the wife shall not henceforth be affected without her consent either by the mere fact of marriage or by any change in the nationality of her husband. "

Though it is true that Articles 8, 9, 10 and 11 of the Convention only embody a reduced programme intended mainly to avoid statelessness, and in certain cases the double nationality of married women, these Articles nevertheless represent a real progress. Furthermore, on one point, as regards the effect of the naturalisation of the husband, the women's associations receive full satisfaction.

The path has thus been marked out and leads in the desired direction ; absolutely nothing has been done to prevent States which are at present hostile to the new ideas from forthwith embodying in their internal legislation the principles which are already applied by nineteen States and which the women's associations defend with energy.

The conversion of these States would automatically entail revision of the Convention. As matters now stand, revision must be a consequence of such conversion and cannot precede it.

For its part, the Belgian Government is prepared to adopt a clause under which women would be allowed, at the time of their marriage, to opt for one or the other nationality.

2. *General Considerations on the Hague Convention of 1930.*

The Belgian Government, though regretting that the results achieved were not more complete, highly appreciates the work accomplished by the 1930 Hague Conference, not only because that work as a whole reflects the effort made and points out a way towards the harmonisation, as far as possible, of the various national laws, but above all because many of the clauses of the Convention embody rules of undeniable utility.

As the principle of the sovereignty of each State in the matter of nationality had to be recognised (Article 1), the Conference was necessarily obliged to consider the consequences of this recognition and endeavour to prevent such negative and positive conflicts as might continue to arise in the future.

Was this object achieved ? To a large extent, yes.

I. *Statelessness.*

It must be recognised that Articles 7, 8, 9, 12, 13, 15, 16 and 17 of the Convention contain a body of rules which do, in numerous cases, prevent an individual from losing all nationality when he fails to acquire a new nationality. From this standpoint, the provisions are highly important, and their adoption by the various States would produce the very best results.

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Obviously these provisions do not solve the whole problem, and it can be objected that the Convention does not go to the root of the evil and avoid all the sources of denationalisation. The reproach, however, would seem to be unjustified, as the discussions at The Hague showed that it was not possible to remove all the causes or sources of statelessness, so long as each State barricaded itself behind the principle of its sovereignty and put forward its special political or demographic situation as an argument to justify certain rules of denationalisation. That notwithstanding, the statute as adopted is such that it will reduce appreciably in the future the cases of statelessness which may occur owing to the lack of harmony or concordance between the various national laws.

Nor was it possible to remedy the unfortunate situation of persons who are at present without any definite nationality. A general rule could not be laid down in this connection because it was not within the competence of the Conference to accord nationality to persons who possessed none. This special problem must be solved, not by a general measure, but by individual action under the national laws of each State, in particular by a liberal interpretation of the rules governing option and naturalisation.

Finally, the situation of stateless persons is still further improved by the Protocols annexed to the Convention.

II. *Persons possessing two or more Nationalities.*

In this connection, the results obtained are not so satisfactory.

A. *Abolition of the Sources of Double Nationality.* — In only one case (Article 11) has the Conference radically abolished a source of double nationality by causing a widow or divorced woman who recovers her original nationality to lose the nationality she acquired by reason of marriage.

In all other cases of plural nationality resulting from a voluntary act, the Conference was not able to formulate definite rules for the avoidance of conflict of laws, but could only make a recommendation (Recommendation V).

It would seem, however, that in this sphere a better result could have been obtained if the Conference had had the necessary time. On examining more closely the various sources of plural nationality, it becomes clear that agreements could have been reached concerning certain specially striking instances, in particular by avoiding the cumulation of nationalities in the case of persons born abroad either of parents who left their country of origin without any intention of returning thither or of parents who were themselves the first or second generation born abroad.

As an indication we may quote the following cases : naturalisation of a person x years of age born in the country of naturalisation and having always resided therein ; option at the age of . . . for the nationality of the country in which the person was born, where the person's father was born in that country and he and his parents have always resided in the country, etc.

If these situations had been examined, the result might have been the adoption of rules for the avoidance of twofold nationality in the less thorny cases — a result which would have constituted a still greater success for the Conference.

B. *Remedies for Cases of Double Nationality.* — The Conference was only able to agree on a rule in the case of a person who acquires nationality automatically — *i.e.*, without any manifestation of his own volition in the matter. It is to be regretted, however, that Article 6, which attributes to this person a right to renounce one of his nationalities, has subjected the exercise of this right to rules the severity of which may even go so far as to abolish the very existence of the right.

As regards the treatment in a third country of persons possessing double nationality, it would have been desirable that the decision taken in the third country should have had an effect on the real status of the person. It might have been laid down in Article 5, for instance, that the person was entitled to apply for ratification of the decision by the country the nationality of which he was held by the third country not to possess.

Thus, the decision taken by the third country, which is at present only one means of sparing the person who has two nationalities certain annoyances, would have become a remedy that would have effectively tended to diminish the number of such persons.

Finally, there is in Article 1 of the Protocol concerning military obligations in certain cases of double nationality a last paragraph, the application of which would put an end to numerous cases of double nationality.

Conclusions.

The Belgian Government believes that the Hague Convention of 1930 achieved very appreciable results which are likely considerably to improve international relations.

The work is not complete ; indeed, it could not have been completed at the very first conference owing to the scope of the subject and the complexity of the points raised. It may, however, be improved and supplemented in the future as national laws evolve.

The Belgian Government thinks that, from this point of view, the League of Nations can exercise a very beneficial influence ; the League could do a great deal by causing these problems to be studied by a small committee of experts appointed by itself and so composed that the principal groups of national laws are all represented thereon.

Brazil.

Letter of February 2nd, 1932.

[*Translation.*]

1. The question of the nationality of women, like all nationality questions, is a matter of constitutional and internal public law and is not of an international character. Progress in this sphere depends more on doctrine and intelligent propaganda than on an international agreement. Nevertheless, the influence of the League of Nations might help forward the rightful claims of women if the Great Powers, which play a preponderating rôle in the League, did not happen to be the very Powers the laws of which are most backward in the matter of nationality, as compared with the progress already achieved in other States, foremost among which are the countries of America.

2. Brazilian law as regards the wife's nationality has for long been founded on the most liberal principles, which may be summarised as follows :

(a) A *Brazilian woman* who marries a foreigner does not lose her nationality (Constitution of 1891, Article 72, section 2).

On the contrary, her marriage facilitates the *voluntary* acquisition of Brazilian nationality by her husband, if the latter resides in Brazil and possesses immovable property there (Constitution, Article 69, No. 5).

(b) A *foreign woman* married to a Brazilian keeps the nationality she possessed before her marriage, as in Brazil marriage is not recognised as a means of acquiring nationality (Constitution, Article 69).

(c) *Naturalisation of the husband*, after marriage, has no effect on the wife's nationality. Naturalisation is always individual in character. The wife of an alien who becomes a naturalised Brazilian does not acquire her husband's new nationality. When a Brazilian husband changes his nationality, his wife remains a Brazilian if she was so previously.

3. As regards international law, in particular private international law, the important point, in this matter, is to settle conflicts of laws regarding women's nationality. An international agreement on this subject should make it impossible for a woman to be deprived of her fatherland by reason of her marriage, and should prevent the voluntary naturalisation of the husband from involving the naturalisation of the wife.

4. The Brazilian Government's opinion regarding the 1930 Hague Convention on nationality is clearly defined in the foregoing observations and information. It should be added that, on September 19th, 1931, Brazil acceded to this Convention, though she made reservations regarding Articles 5, 6, 7, 16 and 17 which could not be adopted, because they were contrary to the fundamental principles of Brazilian municipal law.

Colombia.

Letter of December 22nd, 1931.

[*Translation.*]

I have the honour to inform you that the Colombian Government considers that it is possible to incorporate in Colombian law the principle of the equality of the sexes in the matter of nationality and to lay down that a woman's nationality shall not in principle be affected, without her consent, by a change in the nationality of her husband, seeing that in Colombia a woman's nationality is not affected by marriage.

But in view of the difficulty caused by the existence of a fairly large group of countries which are not prepared to adopt the principle of the equality of the sexes in this matter, the Colombian Government considers that it would be preferable to adhere to the provisions of the Hague Convention, which constitute the most appropriate solution of the problem, since the said agreement solves this very complex question as far as possible and reduces to a minimum the conflicts to which it gives rise and the complications occasioned by the double nationality of married women and by cases in which married women have no nationality. This situation frequently arises in the case of a woman married to a foreigner, by reason of the different systems of legislation in force in the various countries.

Egypt.

Letter of June 23rd, 1932.

[*Translation.*]

I have the honour to inform you that the Egyptian Government, after due consideration of the question, finds itself unable to agree to the objections raised by the women's international organisations regarding the nationality of women. It is accordingly of opinion that there is no need to modify the provisions of the Hague Convention on Nationality.

United States of America.

Letter of June 27th, 1932.

It is assumed that the request of the Secretary-General relates particularly to the proposal to call a new international conference for the drafting of a new convention on nationality which would contain provisions concerning the nationality of married women different from those contained in the Convention adopted at the Hague Conference.

The discussions concerning the nationality of married women which were held at the Hague Conference and subsequent developments show that this subject is highly controversial, which fact is also shown by the statement of the Women's Consultative Committee on Nationality. While it appears that a number of States have in recent years adopted statutes in which the nationality of married women is wholly or largely independent of that of their husbands, it remains true that the majority of States still have laws in which the nationality of married women is wholly or largely dependent upon that of their husbands. Moreover, no solution generally acceptable has yet been reached with regard to the problem of the acquisition of citizenship *jure sanguinis* in cases of children born to parents having different nationalities. In this connection attention is called to the following resolution adopted at the Hague Conference :

> " 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."

The delegation of the United States at the Hague Conference voted against the Convention on Nationality, first, because the provisions contained in it relating to expatriation through naturalisation in a foreign country were not in accord with the principle of the " right of expatriation " which has been adhered to by this Government for many years, and, second, because the provisions concerning the nationality of married women were not deemed altogether satisfactory. Naturally, this Government would welcome such a revision of this Convention as would enable it to become a party to the Convention, and, if such action were favoured by a sufficiently large number of States as to give hope for the success of an international conference for this purpose, this Government would be willing to consider the matter of participating in such conference. The Secretary of State may be permitted to add that, under the laws of the United States, women neither acquire nor lose nationality by marriage or by a change in the nationality of the husband subsequent to marriage. Men and women in these respects are treated on an equal footing. The Government of the United States considers that it would be very desirable to have uniformity in the laws of the various States with respect to the nationality of married women, and it regrets, therefore, that the above-quoted recommendations of the conference at The Hague have not found greater response in legislative enactments by the countries represented at that Conference.

In the note of this Government to the Secretary-General of the League of Nations, dated June 23rd, 1931, in response to his communication of February 27th, 1931, is the following:[1]

> " On the basis of the experience at the Hague Conference in 1930, the Secretary of State would suggest that any conference called in the future should be limited to the codification of one or not more than two subjects. It is also felt that greater progress would be made toward codification if subjects were chosen for the first few conferences which are less controversial than some of the more complicated subjects."

In view of the radical differences between the positions of the various States concerning the nationality of married women, as reflected in their respective laws, and the lack of any indication that uniformity therein is likely to be accomplished in the near future, the subject must be regarded at present as exceedingly complicated and highly controversial. The Government of the United States has therefore been constrained to reach the conclusion that the holding of a further conference on nationality at this time would be undesirable.

Great Britain and Northern Ireland.

Letter of June 30th, 1932.

I am directed by Secretary Sir John Simon to inform you that His Majesty's Government in the United Kingdom recognise the importance of the subject of Recommendation VI contained in the Final Act of the Conference for the Codification of International Law held at The Hague in 1930, and they have carefully studied the question whether it would not be possible :

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

[1] See document A.12(*a*).1931.V.

(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.

2. They have given consideration to the report on the question of the nationality of women and the material included therewith.

3. As a result of this consideration, His Majesty's Government in the United Kingdom are prepared to advise His Majesty to ratify, in respect of the United Kingdom, the Convention on certain questions relating to the conflict of nationality laws, signed at The Hague on April 12th, 1930, as soon as the necessary domestic legislation has been passed. Articles 8 to 11 of the Convention appear to represent the greatest measure of agreement that is likely to be reached for the present in regard to the nationality of married women, and constitute an advance on the present situation. Whether His Majesty's Government in the United Kingdom will be able to go further in the direction of giving effect to the principle of equality between men and women must depend upon the extent to which that principle receives the support of the Governments of other countries and especially those of the other members of the British Commonwealth of Nations.

Hungary.

Letter of July 12th, 1932.

[*Translation*].

The Royal Government of Hungary has considered with the greatest interest the report on the question of the nationality of women, the report of the committee of representatives of women's international organisations, and the letter of the International Union of Catholic Women's Organisations. The Royal Hungarian Government is of opinion that the results which were obtained at the conference for the progressive codification of international law, held at The Hague in March and April 1930, represent the maximum which at present can be obtained by way of general international agreement in regard to questions of the nationality of women.

The Hungarian Government has the honour to state that it could not accept the proposals put forward by the committee of representatives of women's international organisations for the reason that they are not in harmony either with the provisions of the Hungarian law of nationality or with the general principles of private law in force in Hungary. On the other hand, the Royal Hungarian Government considers that the proposals put forward by the International Union of Catholic Women's Organisations in its letter of August 19th, 1931, express desiderata the realisation of which is already fully ensured by the provisions contained in Chapter III — Nationality of Married Women — Articles 8 to 11 of the Hague Convention on Nationality.

In these circumstances, the Royal Hungarian Government, for its part, does not feel it to be desirable that the Convention drawn up at the Hague Conference of 1930 should be reconsidered so far as concerns the rules which it contains on the subject of the nationality of women.

Japan.

Letter of June 14th, 1932.

[*Translation.*]

I have the honour to communicate to you the following opinion of the Japanese Government concerning the general question of the nationality of women, including its views with regard to the Hague Convention of 1930 :

1. Since the principle of the equality of men and women as regards nationality is contrary to that family unity which forms the basis of the Japanese social system and since it creates many difficulties, the Japanese Government regrets that it cannot support the adoption of this principle.

2. The Hague Convention on Nationality having been concluded as a result of mutual concessions made by the invited Powers, the Japanese Government is regretfully obliged to oppose any endeavour to submit this Convention to fresh consideration.

Monaco.

Letter of April 13th, 1932.

[*Translation*].

In your Circular Letter 262*(a)*.1931.V, of October 24th, 1931, you were good enough to communicate to me the resolution of the Assembly of the League concerning the nationality of married women and to ask for the opinon of the Government of the Principality on the three following points :

1. The effect of marriage on a woman's nationality ;
2. The effect of the dissolution of marriage on a woman's nationality ;
3. Other effects of marriage on such nationality.

I have the honour to inform you that the Government of the Principality has, after careful consideration, prepared the following replies to these three points.

A. As to the first point : 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.

B. As to the second point: 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.

C. As to the third point : If the national law of the wife causes her to lose her nationality upon a change in the nationality of her husband, this consequence shall be conditional on her acquiring her husband's new nationality ; naturalisation of the husband shall not involve a change in the nationality of the wife except with her consent.

Norway.

LETTER OF MAY 5TH, 1932.

[*Translation.*]

As the Norwegian delegation to the 1930 Hague Conference did not possess full powers for the purpose, it was unable to do what so many other delegations did — namely, sign the Convention on certain questions relating to the conflict of nationality laws adopted by the Conference. Nevertheless, on the recommendation of the delegation and being desirous of showing its goodwill in the matter of a uniform regulation, by means of an international agreement, of the problem of the nationality of married women — that being one of the problems treated in the Convention — the Norwegian Government has subsequently acceded to the Convention, although that instrument does not constitute any progress as compared with existing Norwegian law on the subject. Norway has acceded without any reservation as to subsequent ratification. She is consequently in a position different from that of various States which signed but did not subsequently ratify, in that her accession is final.

Although Norway is therefore one of the few countries which have definitely accepted the Convention, she does not see any objection to continuing the study of the question of a more satisfactory settlement of the problems relating to the nationality of married women. On the contrary, the Preamble of the Convention itself describes that instrument as " a first attempt at progressive codification by settling those questions relating to the conflict of nationality laws on which it is possible, at the present time, to reach international agreement", and thus contemplates, in the same way as Recommendation No. VI in the Final Act of the Hague Conference (a recommendation quoted in the Assembly resolution of September 26th, 1931), the continuation of the work.

In conformity with this view of the Norwegian Government, the Norwegian delegation to the twelfth Assembly in 1931, was instructed to support the proposal for the continuation of the study of this question as indicated in the resolution adopted by the Council on January 24th, 1931.

Having carefully re-examined the whole question, the Norwegian Government states that it is now prepared to give sympathetic consideration to any proposal which may be submitted at the next Assembly of the League for the adoption of an international rule to the effect that marriage alone, or the dissolution of marriage, shall not automatically involve a change in the nationality of women.

Netherlands.

LETTER OF JUNE 29TH, 1932.

[*Translation*].

The Netherlands Government, which had already on several occasions explained its views on the question of the nationality of women, desires to refer to its previous statements, and more particularly to the speeches of Mme. Schönfeld-Polano in the First Committee of the Conference for the Codification of International Law, and in the First Committee of the twelfth Assembly.

As, however, the 1931 Assembly desired that Governments should be again consulted, Her Majesty's Government, with a view to facilitating the work of the next Assembly, is quite prepared to recapitulate briefly its views on this subject.

The Netherlands Government desires to maintain the principle which is the basis of existing Netherlands law — namely, the unity of nationality in marriage — a principle under which the status of the husband governs that of the wife.

Nevertheless, the Netherlands Government is prepared to forgo the application of this principle in cases in which, as a result of the diversity of various national laws, a woman — a Netherlands subject — becomes stateless without her being able to avoid statelessness, and in cases in which the strict application of the principle would involve statelessness for a Netherlands woman whose husband possesses no nationality. To meet these cases, the Netherlands Government is prepared to incorporate in the law of the country the provisions of Articles 8 and 9 of the 1930 Convention. A system which, in order to guarantee the equality of the sexes, admitted that husband and wife might be of different nationality, could not be accepted by the Netherlands Government ; therefore Article 10 of the Convention is equally inacceptable.[1]

Apart from considerations of principle, the difficulties of applying the rules of private law which would result from such an arrangement militate, in the opinion of the Netherlands Government, against the acceptance of any such system based on the equality of sexes.

[1] In practice, the Netherlands Government, before taking into consideration a husband's request for naturalisation, demands that the wife shall endorse the request in cases in which, according to her national law, she would not, *ipso facto*, lose her nationality if her husband became naturalised abroad. The result of this practice is that, in some cases, the husband cannot become naturalised without the consent of his wife. This is a method which, in the opinion of the Netherlands Government, is of greater benefit to married women than the principle on which Article 10 of the Convention is based.

With regard to the Hague Convention in general, Her Majesty's Government expresses its belief that this Convention, which forms the first result achieved by a conference convened by the League of Nations for the codification of international law, offers advantages which would warrant its being put into force at the earliest possible moment. True, as regards the nationality of women, the Convention has not given satisfaction to everyone. There is reason to believe, however, that the provisions on this subject contained in the Convention represent the maximum that can be attained for the present in the matter of international rules. It will be remembered that at the 1931 Assembly the Netherlands delegation expressed doubt as to the advisability of reopening the debate on women's nationality so soon after the Hague Conference. The Netherlands Government still believes that further discussion would lead to no practical result.

The Netherlands Government therefore ventures to reiterate the hope expressed on September 26th, 1931, on its behalf, at the plenary meeting of the Asssembly, by Jonkheer Loudon, as head of the Netherlands delegation, that the procedure now being followed will not lead to delay in putting the Convention into force. Those who, like the Women's Consultative Committee, would prefer a more radical change in present legislation regarding the nationality of women must admit that the universal acceptance of the Convention — even if such acceptance is accompanied by certain reservations — will constitute progress in the direction they advocate.

In the Netherlands, a draft law for the approval of the Convention is in course of preparation. Since, on ratification, the Netherlands law and the law of the Netherlands oversea territories will have to be brought into line with the provisions of the Convention, the Netherlands Government has, to its regret, not yet been able to submit the draft law approving the Convention to the Legislature. It is hoped that very shortly the preparation of this draft law and the draft law for the modification of the internal law on nationality will be terminated, so that, after the "Volksraad" of the Netherlands Indies has been consulted, these drafts may be submitted to the States-General. The Government desires to affirm that it will do all that lies in its power to expedite the ratification of the Convention.

Roumania.

Letter of June 30th, 1932.

[*Translation.*]

My Government instructs me to inform you that, as regards the nationality of women, it considers that the results achieved in the Hague Convention of April 12th, 1930, represent the maximum which can at present be attained by means of a universal international agreement.

For its part, it cannot agree with the principle of absolute equality as between men and women in the matter of nationality, because it feels that the acceptance of this principle would multiply the conflict of laws, compromise the unity of the family and create difficulties as regards the nationality of children.

Siam.

Letter of June 7th, 1932.

His Majesty's Government is not in favour of a reconsideration of the Hague Nationality Convention by the adoption in place thereof of a new Convention founded on the principle of equality between men and women with regard to nationality. In the view of His Majesty's Government, the principle of the unity of the family requires that the husband and wife should be of one nationality.

The view of His Majesty's Government with regard to the provisions of the Convention of 1930 concerning the nationality of married women is 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.

This Article is in accord with the existing law in Siam and is acceptable.

> *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.

This Article is in accord with the existing law of Siam and is acceptable.

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

This Article is not in accord with the present laws of Siam and is contrary to the policy of unity of the family.

> *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.

This Article is not in accord with the existing laws in Siam, and His Majesty's Government, for very practical reasons, is unwilling to change its present policy. There are in Siam a great many aliens and frequently these aliens marry Siamese women. In few cases do these Siamese women leave Siam. In almost all instances, upon the dissolution of the

marriage these Siamese women are and remain residents of Siam. It is desirable, both in the interest of these women and of the Government, that they should be considered as Siamese. Accordingly, His Majesty's Government desires that they should regain their nationality automatically.

Sweden.

Letter of July 19th, 1932.

[*Translation.*]

The provisions in force in Sweden on the subject of acquisition and loss of Swedish nationality are contained in a law of May 23rd, 1924. Before this law was adopted, the questions with which it deals had not merely been thoroughly considered by the Government and the Riksdag but had formed the object of preliminary investigation by special delegates appointed by the three Scandinavian States and by various authorities and associations. In particular, the question of the nationality of married women had been submitted to most serious examination. It appears also to be the case that the provisions of the law on this matter as a whole express the point of view generally taken in Sweden at the time when the law was adopted.

The provisions of the law to a certain extent satisfy the desiderata as to the autonomy of women with regard to acquisition and loss of nationality which have been expressed by the committee of representatives of international women's organisations. The committee, moreover, has noted this fact in its statement.

Thus, under the terms of the law, a Swedish woman who marries a foreigner does not thereby *ipso facto* lose Swedish nationality. On the other hand, the general rule laid down in the law by which any Swedish national who acquires the nationality of another country in which he is already domiciled, or establishes his domicile in another country after having acquired its nationality, loses Swedish nationality, applies to a woman who has married a foreigner and thereby acquired his nationality.

Under the Swedish law the grant to the husband, during the marriage, of permission to abandon Swedish nationality does not involve loss of Swedish nationality by the wife.

As regards acquisition of Swedish nationality, the law provides that a foreign woman marrying a Swede thereby acquires Swedish nationality. It is to be noted that, when the law was adopted, there was a widespread feeling in favour of insisting that the acquisition of Swedish nationality by the foreign woman should be conditional on her establishing her domicile in Sweden and thereby manifesting her connection with her husband's country. The sole reason why this point of view did not finally prevail was the fact that a large number of foreign women who had married Swedes without establishing domicile in Sweden would have been deprived of all nationality. The Convention on Certain Questions relating to the Conflict of Nationality Laws, signed at The Hague on April 12th, 1930, provides, however, that a woman shall not lose her nationality through marriage with a foreigner unless she acquires the nationality of her husband's country, and this rule has, moreover, been somewhat generally adopted even by States which have not acceded to the Convention; this fact is no doubt an additional reason for fresh examination of the question whether there should be an amendment of the law to provide that, as regards relations with such States, a woman will not acquire Swedish nationality by marriage with a Swede unless she is domiciled in Sweden at the moment of marriage or establishes her domicile there during the marriage.

As regards the question whether a married woman should follow her husband's nationality when the latter, during the marriage, acquires a different nationality, the Swedish law to a certain extent has satisfied the desire that married women should have a more independent position, because it provides that the wife, save where special reasons occasion a derogation from the rule shall be enabled to express her view on her husband's application for naturalisation. In general, it is the view expressed by the wife which determines whether the naturalisation of the husband shall extend to the wife.

Since Sweden has signed the above-mentioned Convention, the Swedish Government, in order to render ratification possible, is prepared to examine the question of amending the law by the insertion of a provision to the effect that naturalisation of the husband by Sweden shall not affect the wife without her consent. If adopted, such a provision would have to apply, not merely in relation to States parties to the Convention, but also in relation to all States under the law of which acquisition of a foreign nationality by the husband does not necessarily involve change of nationality for the wife.

Furthermore, it is to be noted that, under the Swedish law, a married woman can obtain Swedish naturalisation irrespective of her husband's nationality.

It must be observed that the criticisms which the women's organisations have directed against the above-mentioned Hague Nationality Convention appear to some extent to reveal an erroneous conception of the purpose of the Convention. The conference by which the Convention was drawn up did not have the task of establishing absolutely uniform legislation on nationality, but merely that of drawing up rules for the solution of conflicts of law which would prevent cases of absence of all nationality and, as far as possible, cases of double nationality. The first desideratum as to the nationality of married women is realised by the Convention, the general adoption of which would prevent a woman from being able to lose all nationality owing to marriage or to her husband's obtaining a foreign nationality by naturalisation. The second desideratum — that marriage shall not give the wife double nationality — could, on the other hand, not be realised. It could only have been realised by the establishment of uniform rules of law in a field in which the laws of different States

have adopted diametrically opposite points of view, and the insertion in the Convention of provisions on the subject would in all probability have had the result that only a very small number of States would have accepted the Convention. Moreover, it must not be forgotten that — contrary to what is as a whole a case for men, on whom the possession of a particular nationality may impose substantial obligations, particularly as regards military service — the possession of more than one nationality hardly causes a woman any serious inconvenience, and may in certain respects have certain advantages.

It follows from what is said above that the Swedish law already satisfies some of the desiderata of the international women's organisations. Should the majority of States pronounce for this course, Sweden would not feel bound to oppose a new examination of the question of the position of women in regard to nationality. The new rules which might result from such fresh examination of the subject would not necessitate a revision of the 1930 Convention ; they should rather form the object of a special agreement.

Czechoslovakia.

Letter of July 23rd, 1932.

[*Translation.*]

The Czechoslovak Government agrees to a new examination of the question of the nationality of women and the provisions of the Hague Convention of 1930 dealing with the nationality of women.

As the question of the rules which should govern the nationality of married women is at the moment on the agenda of the Czechoslovak National Assembly, the Czechoslovak Government will communicate its observations on the subject to you at a later date.