

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

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

Speaking generally, it seems unlikely that any member would wish to make any reservations with regard to provisions which were based either on some formal act such as an application or declaration by the individual migrant indicating his wish to identify himself with the member to which he had migrated, or on a substantial period of residence, though in this latter case exception might be made for cases in which the residence, though long, was due to some cause such as a special but terminable post or employment, and not to any wish of the individual to identify himself with the community.

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

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

(ii) TREATY PROCEDURE.

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

- (1) That each member takes part in a multilateral treaty as an individual entity, and, in the absence of express provision in the treaty to the contrary, is in no way responsible for the obligations undertaken by any other member; and
- (2) That the form agreed upon for such treaties at the Imperial Conference of 1926 accords with this position.