

Dennis E. S. Richards.

Address:- 6, Dock View Rd, Barry Dock, Glam.

School:- Barry County Grammar-School, Barry, S. Wales.

Citizenship and Nationality in the Commonwealth as it affects my Country.

Preface

- (A) The beginning - British Empire.
(B) Growth of Nationalism.
(C.) The problem was how to keep the Empire together and at the same time not suppress nationalism. Solutions :- 1) King.
2) Common citizenship.

- (b) But countries always faced with the problems of :-
 1) the "undesirable" — so they had to define "local" citizenship.
 (Canadian Immigration Act of 1910.)
 (S. African citizenship Bill of 1949.)

- 2) Also a need to be members of international organizations
eg. League of Nations

- (E.) Nevertheless British citizenship was still a common denominator.
(British Nationality Act of 1918.).

2. (F.) The Irish Bill of 1935 complicated matters.

- (G.) But there was a link - the 'External Relations Act

- (H.) Ireland declared itself a Republic and decided to repeal the External Relations Act (1948-49).

- (I.) We had to amend our Nationality Act.

- (J.) What of the future? How is the Empire to be kept together?

- 1) Economic Ties.

- 2) Kingship in most cases.

(K.) The concept of common citizenship is still a basic one.

Raises the problem - Are they all able to become citizens?

- colour, Education. (South Africa? White Australian Policy?)

(L.) As far as we are concerned in this country it poses the problem of colonial development.

(M.) Conclusion.

Many Englishmen of the Nineteenth century regarded the Empire as merely a territorial overseas extension peopled by Englishmen. Thus Tennyson spoke of a "forever broadening England," and Seely of "a vast English nation;" and Carlyle described the Empire as "the all-Saxon home." They could hardly conceive a Canadian or an Australian; to them they were merely Englishmen who lived in Canada or Australia. It was difficult for insular Englishmen who held these quite natural preconceptions to understand that the overseas communities might not admit an over-riding loyalty to an 'organic' Empire; the whole of which was more important than the parts. But the constitutional developments of the Nineteenth century and early twentieth century marked important stages in the development of 'dominion' nationalism. The 'North American Act' of 1867; the Australian Commonwealth Act of 1901, and the ~~the~~ creation of the Union of South Africa 1907, were all important milestones in the evolution of three new and distinct nations. One publicist, writing as early as 1905, explained to his readers in Great Britain that Canada, Australia, New Zealand, and South Africa, were all travelling the same road to national status and mature national consciousness. The independence at which they aimed, he added, was not however a denial of interdependence in foreign policy or in commercial policy or in law. Nationalism would accept the limitations of membership

Richard
Tebb.

in a common society. Thus a Canadian citizen or whatever country it may be, automatically became a British citizen. But many regarded this development of nationalism with distinct fear for the future development of the Empire. In trade, for example, the restrictive tariff policy pursued by some of the Dominions was held as portending Imperial disintegration, and Joseph Chamberlain advocated imperial preference and federation as a way out. Indeed, some of the imperial federationists argued that the granting of effective national independence would inevitably lead to the break up of the Empire. But, in practice, common sense seemed to find a middle way between dependence and disruption. Imperial preference was effective in trade, the pound in finance and, strategic considerations in defence. For instance, in the sphere of defence, in accordance with the Act of 1911, the Australian Navy, subject to the approval of the Commonwealth government, on the declaration of war would play its part according to the plan of the Admiralty for the common defence of the British Empire. The same principle was applied to the Dominion land forces. Nationalism and Commonwealth allegiance was not found irreconcilable. Above all, there was the basic conception of a common citizenship, although one may wonder whether it was ever widely interpreted as applying to the coloured peoples of the Empire.

THE ROUND
TABLE

The problem, however, of dealing with the conflict between "the freedom of the parts and the united action of the whole" has been a recurring one in the history of the Commonwealth. Unlike the French, we refused to accept the Roman concept of a centralised Empire, — this in France, the Algerian is directly represented in the French Senate. An attempt was made to solve our dilemma by placing the King as an integral symbol over the self-governing Commonwealths and the

Colonial Empire, (1926 Imperial Conference). The British Nationality and Status of Aliens Acts of 1914 and 1918, also established the principle of common citizenship, stating that any person born within His Majesty's dominions and allegiance automatically became a British subject. This solution was apparently well-received by most of the Commonwealth members.

However, "common citizenship" was not completely satisfactory to all. There is always the problem of the "undesirables" and the problems of the control of immigrants, particularly in war-time. So the various Commonwealth countries were forced to define their own "local citizenship" rules. In some cases, this might take a form which might not meet with the approval of us all. Thus there was the "White Australian" policy, while the South African Citizenship Bill of 1949 not only proposed the establishment of a separate South African nationality, as had been done it is true by other member States, but placed British immigrants in a scarcely more favourable position than "aliens" for acquiring citizenship.

There was also another difficulty which demanded restrictive citizenship definition. After 1918 the Dominions naturally wanted separate representation in the League of Nations. This immediately brought up the question of diplomatic representation and distinct citizenship status. So in 1920 the Canadians passed a legislation defining a Canadian citizen. Significantly, it defined a Canadian national as any British subject who "is a Canadian citizen under the Immigration Act." A difficulty which arises here is, that if a Canadian citizen takes an alien wife, she automatically becomes a Canadian national but not a Canadian citizen. It is encouraging to remember that in the Debate on the Bill in the Canadian Parliament

one speaker declared, "as far as I am concerned to be a Canadian citizen and a British subject is enough for me."

Despite all these difficulties, however, the concept of common citizenship was preserved by the British Nationality Act of 1918. The Act made a citizen of any dominion a British subject, and there was an agreement by all the members of the Commonwealth - except the Irish Free State - on the definition of a natural-born British subject.

The position was, however, further complicated when the Irish Free State abolished the common citizenship of Ireland with Great Britain. In 1935, the 'Irish Nationality and Citizenship Act' affirmed that no person who was of Irish nationality would be regarded under Irish law as a British subject. It added that it would be an impertinence for the British to continue to speak of Free State Nationals as British subjects. Further, the Irish Free State Aliens Act of 1935 defined an alien as a person who is not a citizen of the Irish Free State.

Fortunately there was the very tenuous link provided by the External Relations Act which recognised the Crown as an agent for appointing and receiving Irish ambassadors and other diplomatic representatives with foreign countries. This Act provided the last legal formula distinguishing Eire from a foreign country. Its existence assured Eire, Great Britain and other Commonwealth countries, unique mutual facilities in respect of trade and citizenship. The Irish Ministers possibly did not at once realise the repercussions which were likely to ensue if the Act were repealed. This they decided to do in 1948. Mr. Costello's government were bent upon declaring Eire a Republic. While the Bill for the repeal of the External Relations Act was being discussed in the Dail, Mr. Attlee announced in the Commons on 25 Nov. 1948 that the United Kingdom would not regard the enactment of that

legislation as placing Irish citizens in Great Britain and Northern Ireland (the partition problem is, of course, very much part of the bone of contention) in the category of foreigners. A discussion held at Paris between the foreign ministers of the Commonwealth self-governing countries was followed by an announcement that they regretted that Eire was no longer a member of the Commonwealth. The Eire government had, however, stated that they recognised the existence of a specially close relationship between Eire and the Commonwealth countries and desired that the relationship should be maintained, (an interesting illustration of the unifying 'spirit' of the Commonwealth). The Commonwealth countries expressed a similar desire. The British government realising the special responsibility of the United Kingdom as the mother country saw also only too clearly that if they accepted the responsibility of maintaining these special relations with Eire, after the repeal of the External Relations Act, that they might jeopardise their relations with foreign countries, with whom they had trade agreements. Although Eire did not attend the Commonwealth Prime Ministers' Conference of 1948, a special meeting was held with Eirean Ministers, (largely at the instigation of Dr. Evatt of Australia) at Quebec with the object of trying to find a means of mitigating the effects of unilateral Irish action. A second meeting followed in Paris, and Mr. Costello then introduced the Bill to repeal the External Relations Act in the Dail, including a clause designed to hold up its enactment in the hope that some solution could be found. Mr. Attlee announced promptly in the House of Commons that Eire would not be treated as a foreign country. The Irish legislation was, however, passed by the Dail. So we had to amend our Nationality Act. This is the position to-day. Under

the British Nationality Act which came into force on Jan. 1st 1949, a British citizen is defined as : —

1. (a) "Every person who under this act is a citizen of the United Kingdom and Colonies or who under any enactment for the time being in force in any country mentioned in subsection (c) of this section is a citizen of that country shall by virtue of that citizenship have the status of a British subject."

(b) "Any person having the status aforesaid may be known either as a British subject or as a commonwealth citizen; and accordingly in this Act and in any other enactment or instrument whatever, whether passed or made before or after the commencement of this act, the expression "British subject" and the expression "commonwealth citizen" shall have the same meaning."

(c) "The following are the countries hereinbefore referred to, that is to say, Canada, Australia, New Zealand, the Union of South Africa, Newfoundland, India, Pakistan, Southern Rhodesia and Ceylon."

2. (a) "Any citizen of Cey who immediately before the commencement of this Act was also a British subject shall not by reason of anything contained in section one of this Act be deemed to have ceased to be a British subject if at any time he gives notice in writing to the Secretary claiming to remain a British subject."

Thus we have made an honest attempt to continue the concept of common citizenship recognising it as one of the most real and basic elements of the Commonwealth. Cey's action might have precipitated action, but the desire of India to remain within the Commonwealth as a republic would also have entailed similar legislation. Once again the Commonwealth appears to have overcome an apparent insurmountable obstacle.

? What of the future? We might have in this country defined citizenship but the act of translating concepts into realities; there is still the problem of promoting the rights of all members of the Commonwealth so that they are regarded as equal. The Oxford English Dictionary defines citizenship as "the position and status of being a citizen, with its rights and privileges." This implies equality of treatment and rights of, for example, the British Peer and the African native. The problem of the future development of the Commonwealth, then, is inextricably bound up with the colour problem and the development of the colonies. It would be unreal to deny that, at the moment, the majority of the peoples of the Colonial Empire are hardly in a position to assume the responsibilities of citizenship and thereby enjoy its rights and privileges. The problem, then, is as it affects my country, is how can we develop the colonial empire to bring the people up to our standard. It demands (as a part of our citizen responsibilities) an increasing interest and concern with colonial problems. It might involve tackling problems which are extremely controversial. Thus there is the attitude of the Malan Government of South Africa towards her coloured people. It certainly demands giving up the old attitude towards colonies that "they were acquired with no other view than to be of convenience to us; and therefore it can never be imagined that we are to consult their interests preferably to our own." Fortunately this typical eighteenth century attitude is dead. Tremendous developments have taken place in the last five years. The Colonial Development Corporation has made a very promising start and such schemes as the 'East African Ground Nut Scheme' might not have been as yet complete successes, yet they are steps in the right direction. Economic security and development will

Robt.

Richardson

inevitably bring with it educational development. We shall eagerly look forward to the day when no one will consider any inhabitant of the Commonwealth his inferior. The Commonwealth must continue to move away from the concept of a "whiteman's Empire."

Much remains, then, to be done, but our brief survey has indicated that statesmanship has never been lacking when needed. We seemed to have reconciled nationalism and Empire. As a Welshman, I realise ^{this} to the full. As early as 1907 that very wise man Eyre Browne wrote:— "No other state has ever gone so far and so steadily as the British Empire in the direction of giving free scope to the play of national forces in the internal organisation of the divers people gathered under the King's sceptre. It is perhaps England's good fortune, as much as her merit that taking this view of the manner in which the solution of the higher problems of national life must be sought, she has had but to apply the same principle to the field of external policy in order to arrive at the theory and practice governing her action as one of the international community." Unity and diversity has been our motto, which in the words of Field-Marshal Smuts has made the Commonwealth the "greatest experiment in world government ever made and indeed a real league of nations in working order."

Bibliography

- 1 The British Empire (Royal Institute of International Affairs)
- 2 Twentieth Century Empire (H. V. Hodson)
- 3 Survey of British Commonwealth Affairs (Hancock) - Vol I.
- 4 Keating, 'Notes and Queries' (1948-49)
- 5 Hansard (no. 108)
- 6 'The Round Table' (Two views of the Empire)
- 7 'Empire and After' (Kinden)