CABINET

BRITISH NATIONALITY BILL

Memorandum by the Home Secretary and the Secretary of State for Commonwealth Relations

This Bill, which is awaiting Second Reading in the House of Lords, provides that all persons who are citizens of the United Kingdom and Colonies, or citizens of Canada, Australia, New Zealand, South Africa, Newfoundland, India, Pakistan, Southern Rhodesia and Ceylon, shall, by virtue of their respective citizenships, be British subjects. It also provides that citizens of Eire, although not British subjects, shall, in the United Kingdom and Colonies, be in a position under existing legislation equivalent to that of British subjects.

Indies have asked that in place of the term "British subjects", which is in their view open to misunderstanding, there should be substituted some term such as "Commonwealth citizens" or "citizens of the Commonwealth".

2. The people of many countries of the Commonwealth are proud to be described as British subjects, and could not be asked to abandon this title. To the people, however, of certain other Commonwealth countries, the term "British subject" has an entirely different significance and seems to indicate the continued domination of them by the inhabitants of the British Isles. There are obvious objections to compelling the countries where the term "British subject" is unacceptable to accept this label as a condition of remaining within the Commonwealth. The Bill recognises the desire of the people of Eire to rid themselves of the label "British subject", and it seems right to give the people of other Commonwealth countries liberty to describe themselves, if they so wish, by some term other than "British subject". This can be done by inserting in the Bill an alternative term and providing that the alternative term shall have the same meaning as "British subject".

3. The suggestion has been put to the older Dominions that provision be made in the Bill for the use of the term "Commonwealth citizen" or "citizen of the Commonwealth" as an alternative to the term "British subject". There is natural reluctance on the part of some Dominion Governments to accept this change, but the replies as yet received do not exclude the possibility that if an alternative phrase were inserted in the United Kingdom Bill, the other self-governing countries might be persuaded to follow suit. It would be very desirable that every Commonwealth country should do the same, but there is no compelling necessity for uniformity in this particular. The provision in the United Kingdom Bill for the use of an alternative...
phrase need not be dependent on the concurrence of each of the self-governing countries. Thus it would be quite feasible for some countries to legislate in terms of "British subject" only and for other countries to legislate in terms of "Commonwealth citizen" or "citizen of the Commonwealth" only, whilst others like the United Kingdom could recognize both expressions in their legislation. The essence of the legislation in each self-governing country would be to the effect that its citizens and the citizens of all other countries should in the legislating country be "British subjects" or, as the case may be, "Commonwealth citizens"; and the legislation might in addition provide for the recognition of both expressions as alternatives.

4. Australia feels particular difficulty in accepting the term "Commonwealth citizen" or "citizen of the Commonwealth" because such terms are liable in Australia to be interpreted as meaning a citizen of the Commonwealth of Australia. To mitigate this difficulty the only alternative term hitherto suggested has been "citizen of the Commonwealth of Nations". This term is cumbersome, and like all terms which include the word "Commonwealth" and omit the word "British" is open to objection on the ground of its indefinite character. It is, however, an essential consequence of the development of the Commonwealth that there should be liberty to the people of some Commonwealth countries to avoid labelling themselves as "British", and the simplest alternative seems to be "Commonwealth citizen". If Australia should feel it impossible to use this term in Australian legislation, they will no doubt be persuaded at any rate to raise no objection to its use in the United Kingdom Bill.

5. Arrangements have been made to take the Second Heading of the Nationality Bill in the House of Lords on Tuesday next, the 11th May, and it would be possible on the Second Reading of this bill to announce that on Committee Stage it is proposed to move an amendment which will make it possible for people in any of the self-governing countries, if they so wish, to use some such term as "Commonwealth citizen" as an alternative to the term "British subject". By taking this course the United Kingdom Government will make it clear to India that they are prepared to meet the Indian desire, and will deprive those people in India who want to go out of the Commonwealth of the argument that continuation within the Commonwealth involves labelling the citizens of India as British subjects. The suggestion from India that they will find it less difficult to come into the new scheme if they are relieved of the title "British subject" creates so favourable an opportunity that there are strong arguments for accepting the suggestion at once.

6. If the Second Reading of the Bill does not take place before Whitsun, it will be impossible for the Bill to be passed this Session. If the Bill is postponed until next Session, there is a possibility that proceedings in the Constituent Assembly may make India less willing to accept the general scheme of the Nationality Bill, and also a risk that the agreement which has now been secured with the other countries of the Commonwealth will be impaired. The present Bill has been, generally speaking, agreed upon after most careful consultation with the self-governing countries, and if it is now postponed there is a risk that the United Kingdom will lose the initiative and leadership in this matter, and that various discordant proposals may be made.
7. It may be that in the future some differentiation between the position of different Commonwealth countries will become inevitable, and that while some remain full members of the Commonwealth, others will fall into the position of associates. Others in the future receiving self-governing status may prefer such associate status from the start. There is nothing in the present Bill to prevent such a development, should it become necessary. In fact, the provision in the Bill for creating a number of separate citizenships facilitates any differentiation that may be necessary in the future between the position of various Commonwealth countries.

8. There will no doubt be difficulties in Parliament in securing assent to the idea that the peoples of certain countries may remain within the Commonwealth although not styling themselves by any term which indicates their British connection. But is it not right that this difficulty should be faced at once? Ought not the United Kingdom Government and Parliament, while affirming that those people who wish to call themselves British subjects shall continue to do so, to affirm equally that there is to be liberty to the people of other Commonwealth countries to remain within the Commonwealth though calling themselves by some title which omits both the word "British" and the word "subject"? Unless this point is made clear at an early date, is not the danger that India and Pakistan may go out of the Commonwealth likely to be increased? On the other hand, is it not possible that a clearer statement now that "British subject" is not the only general description available for citizens of the widely differing nations in what has hitherto been the British Commonwealth and Empire may ease the way for those in India and Pakistan who desire to remain with us?

9. It is accordingly suggested that the Second Reading of the Bill in the House of Lords should take place on Tuesday next, the 11th May, as has provisionally been arranged, and that in moving the Second Reading it should be explained that the Government has under consideration in consultation with the Dominions proposals by which clause 1 might be brought more into accord with the development which has been taking place in Commonwealth relations by the recognition therein of some such designation as "Commonwealth citizen" as an alternative to "British subject" so that the former designation may be used by those citizens or countries who consider it more in keeping with the free association of the peoples of the Commonwealth.

J.C.E.
F.J.N-B.

4th May, 1948.