hundred years ago of his Utopians that "though treaties were more religiously observed, they would still dislike the custom of making them; since the world has taken up a false maxim upon it, as if there were no tie of nature uniting one nation to another . . . and that all were born in a state of hostility, and so might lawfully do all that mischief to their neighbors against which there is no provision made by treaties. . . ."

ROBERT R. WILSON

THREE HAGUE CONVENTIONS ON NATIONALITY

The coming into force in 1937 of three of the conventions on nationality signed at The Hague Codification Conference of 1930, is an event of unusual significance in the development of international law.[1] This manifestation of effective coöperation is the more interesting because it occurred in the politically sensitive field of nationality laws and because the past few years have not been notable for evidences of renunciation of sovereign claims.

The conventions have come into force because they have now been ratified or acceded to by ten or more Powers. The principal convention, that relating to certain questions of conflicts of nationality laws, was not signed by the United States Government because its delegates considered it inconsistent with American policy to sign a treaty which recognized that dual nationality might arise out of a grant of naturalization not assented to by the state of origin, that such assent might be deemed necessary to make such naturalization effective, or that "expatriation permits" might be required.[2] But inasmuch as the convention provided for complete liberty of reservations, of which several signatories have taken advantage, it is regrettable that the United States could not find adequate comfort in recourse to that safeguard. The convention, now ratified or acceded to by Norway, Monaco, Brazil, Sweden, Great Britain, Canada, Poland, China, India and The Netherlands, provides for the resolution of some of the principal conflicts of municipal nationality laws.

While admitting the authority of each state to determine who are its nationals, it yet facilitates the freedom of renunciation or waiver in certain cases of dual nationality. For example, Article 5 establishes that in cases of dual nationality, a third state shall recognize exclusively the single nationality of the country in which the person is habitually resident or most closely connected, a principle adopted in the protocol concerning military service presently to be mentioned and likely to become more common. The chapter on the nationality of married women provides for a limitation in the number of cases of dual nationality or statelessness arising through marriage, for example, the loss of the wife's nationality shall be conditional upon her acquiring her husband's nationality; yet naturalization of the husband shall not be

[1] League of Nations: A 6 (a).1937.Annex 1, pp. 71–73.

[2] *Cf.* Convention, this JOURNAL, Supp., Vol. 24 (1930), p. 192; Report of Committee, *ibid.*, p. 215; and Flournoy, this JOURNAL, *ibid.*, p. 467 at 473.

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deemed to change the wife's nationality without her consent. Obviously, this did not go so far in feminine emancipation as American law now provides, but it was as far as most of the countries were in 1930 willing to go. The conference, on the initiative of the American delegation, adopted a recommendation (*voeu*) urging the states to study further the possibility of introducing into their laws the principle of the equality of the sexes in matters of nationality.

The chapter on the nationality of children provides that the children born abroad of diplomats shall not acquire the nationality of their place of birth and that the children of other public officials, like consuls, shall be given the opportunity easily to renounce it. It also provides that the minor children shall be naturalized through the naturalization of their parents, under such conditions as the naturalizing state establishes. Apparently, this may even apply to children remaining resident in their country of origin, which seems rather questionable. Other articles provide that children of unknown parents shall have the nationality of the place of birth, which is also to be assigned, unless the state otherwise provides, to children of parents of no nationality or unknown nationality. The nationality of illegitimate children is also provided for. Adoption by an alien shall not forfeit the child's nationality unless he acquires the alien's nationality.

The convention of most interest to the United States and the only one ratified by the United States, is the protocol relating to military obligations in cases of dual nationality.[3] Adopting a principle long urged by the United States and embodied in resolutions passed occasionally by Congress, it provides that a person having dual or multiple nationality shall be bound to perform military service only in that country in which he habitually resides or with which he is most closely connected, and shall be exempted from military service in the other country or countries—and this without regard to the question whether he thereby loses the latter's nationality. Also, if the prospective soldier, a dual national, has the privilege of renouncing the nationality of one or more of his states on reaching majority, he may not be drafted in that state during minority. Furthermore, under Article 3, a person who has lost the nationality of one state and has acquired the nationality of another is exempt from military obligations in the former.

This protocol, which was due largely to the initiative of Mr. Richard W. Flournoy, Jr., delegate of the United States,[4] has been adopted by the United States, Great Britain, Brazil, India, Sweden, Australia, El Salvador, South Africa, Cuba, Colombia and The Netherlands. While the United States has naturalization treaties with most of these states and they are not the states, such as France, Italy and Switzerland, with which the United States has had

[3] This JOURNAL, Supp., Vol. 24 (1930), p. 201.

[4] See Mr. Flournoy's article in this JOURNAL, Vol. 24 (1930), p. 467, on "Nationality Convention, Protocols and Recommendations adopted by the First Conference on the Codification of International Law."

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the main difficulties in the matter of military service of persons possessing two nationalities, it is nevertheless a source of gratification that the principle of single military service has now received the imprimatur of an international convention. Probably other ratifications and accessions will follow. And in the meantime, the municipal law of such countries as France and Italy has relaxed some of its claims to the military service of those who, even without consent, have acquired another nationality. In spite of the current era of military inflation, the climate of opinion in the matter of military claims on technically dual nationals is changing.

The third convention now in force is a protocol relating to a certain case of statelessness,[5] to the effect that in countries not conferring nationality *jure soli*, a person born of a mother who is a citizen and of a father without nationality or of unknown nationality shall have the nationality of the country of birth. This protocol, adopted by Brazil, Great Britain, India, Poland, China, Chile, Australia, Salvador, South Africa, and The Netherlands, represents the present law of the United States. A fourth proposed protocol, requiring signatories to receive their former nationals who are or have become stateless and have become permanently indigent or criminally convicted abroad,[6] has been accepted only by Brazil, Great Britain, Australia, South Africa, India, China and El Salvador, and is therefore not yet in force.

These first tangible results of the Codification Conference of 1930, achieved in the face of much discouragement, give promise of the eventual expansion of the movement for the coöperative reconciliation of conflicts of municipal law in fields which impinge on international relations. EDWIN BORCHARD

IMMUNITIES OF THE BANK FOR INTERNATIONAL SETTLEMENTS

The measures recently taken for extending the immunities of the Bank for International Settlements afford a striking example of the innovations which have been introduced in the process of international legislation during the past years.

The basic provisions for the establishment of the Bank for International Settlements were embodied in Articles 6 and 10 of the agreement concerning the complete and final settlement of the question of German reparations, signed at The Hague on January 20, 1930.[1] A convention signed at The Hague on the same date [2] incorporated the constituent charter of the Bank, and its Statutes [3] were annexed to the convention. The Statutes came into force on February 26, 1930, and the Bank began its operations on May 17,

[5] This JOURNAL, Supp., Vol. 24 (1930), p. 206. [6] *Ibid.*, p. 211.

[1] 5 Hudson, International Legislation, p. 135; this JOURNAL, Supp., Vol. 24 (1930), p. 262. See the writer's comment in this JOURNAL, Vol. 24 (1930), p. 561.

[2] Hudson, *op. cit.*, p. 307; this JOURNAL, *ibid.*, Supp., p. 323. Switzerland was a party to the convention.

[3] Hudson, *op. cit.*, p. 314; this JOURNAL, *ibid.*, p. 326. For an analysis of the Statutes, see the writer's comment in this JOURNAL, Vol. 24 (1930), p. 561.

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