

**A contribution from the South:
Marta Vergara, equal nationality rights and the League of Nations**

Natali Francine Cinelli Moreira

1 Introduction

On April 1st, 1930, at The Hague, the Chilean Marta Vergara delivered a speech at the Conference for the Codification of International Law (the Hague Conference). She stood before an audience gathered to reach a general agreement on questions relating to nationality, and “*on behalf of the women of Chile*” shared her own experience “*under a system of absolute equality*” where “*nationality is quite independent of the individual’s civil status*”. The equal rights that Chileans enjoyed should be granted to women throughout the world.¹ It is true that Vergara did not write these words – a male representative from the Chilean delegation did; yet she wrote in her memoirs decades later that it seemed, at the time, a perfect speech.²

In the next years, Vergara participated in the League of Nations (the League) – as an expert of the Chilean delegation and as a representative of the Inter-American Commission of Women (IACW) – where she served as a spokeswoman for equal rights and denounced legislation that caused women to lose their nationality upon marriage. She lost the battle; nonetheless, these discussions contributed to challenging the idea that women’s rights were a matter of national laws only.

Disenchanted with power politics at the organization, she returned to Chile at the end of 1932.³ Back home, Vergara grew as a feminist leader. Collaborating with other activists from the Americas, she helped to enlarge the meaning of equal rights for women. They developed

¹ League of Nations Archives (hereafter LNA), Acts of the Conference for the Codification of International Law, Meetings of the Committees, Vol. II: Minutes of the First Committee, Nationality (Official No. C.351(a).M.145(a).1930.V, Geneva, November 27th, 1930) 183. All documents from the LNA are available at: <<https://archives.unige.ch/lontad>> accessed 3 March 2022.

² Marta Vergara, *Memorias de una mujer irreverente* (Editora Nacional Gabriela Mistral 1974) 89.

³ Vergara (n 2) 111-112, 115. Katherine M. Marino, ‘Marta Vergara, Popular-Front Pan-American Feminism and the Transnational Struggle for Working Women’s Rights in the 1930s’ (2014) 26 *Gender & History* 642.

feminismo americano that pushed for liberation from multiple forms of oppression beyond civil and political rights, including social and economic concerns.⁴

Despite the prominent place that Marta Vergara achieved as a feminist leader, her contribution to international women's rights remains overlooked. Only a few works delve into her time at the League.⁵ When revisiting the Hague Conference and the struggle for equal nationality rights at the League, scholars almost invariably reclaim the stories of activists and women's organizations from the United States and Europe.⁶ The contribution of women from South America to international law has been consistently silenced. While other experiences were muted, mainstream feminist approaches found their way into international law: international women's rights welcome feminisms that focus on civil and political rights and do not include the economic and social struggles women also face.

Making use of feminist historiography, I aim to retrieve overlooked perspectives and theorise about what these silences mean to the future of international law.⁷ I will look for Vergara's contributions to the debates about nationality at the Hague Conference and the League: how she discussed gender equality in multilateral *fora* and used these spaces to place women's rights in international law.

2 Using feminist historiographies to develop new perspectives for international law

International law has been regarded as a neutral, rational, objective, and universally applicable autonomous entity estranged from political struggles. Critical legal scholars have challenged this assertion for long now. They claim that politics are internal to law and criticize the

⁴ Katherine M. Marino, *Feminism for the Americas: The Making of an International Human Rights Movement* (The University of North Carolina Press 2019) 4.

⁵ Marino (n 3). Marino (n 4). Ellen C. DuBois, 'Internationalizing Married Women's Nationality: The Hague Campaign of 1930' in Karen Offen (ed), *Globalizing Feminisms, 1789-1945* (Routledge 2010).

⁶ Jaci Eisenberg, 'The Status of Women: A Bridge from the League of Nations to the United Nations' (2013) 4 *Journal of International Organizations Studies* 8. Karen Knop and Christine Chinkin, 'Remembering Chrystal MacMillan: Women's Equality and Nationality in International Law' (2001) 22 *Michigan Journal of International Law* 523. Leila Rupp, *Worlds of Women: The Making of an International Women's Movement* (Princeton University Press 1997). Margaret Galey, 'Forerunners in Women's Quest for Partnership' in Anne Winslow (ed), *Women, Politics, and the United Nations* (Greenwood Press 1995). Carol Miller, 'Geneva – the key to equality: inter-war feminists and the League of Nations' (1994) 3 *Women's History Review* 219. Deborah Stienstra, *Women's Movements and International Organizations* (MacMillan Press 1994). Paula Pfeffer, 'A Whisper in the Assembly of Nations: United States' Participation in the International Movement for Women's Rights from the League of Nations to the United Nations' (1985) 8 *Women's Studies Int. Forum* 459.

⁷ Gina Heathcote and Paola Zichi, 'Feminist methodologies' in Rossana Deplano and Nicholas Tsagourias (eds), *Research Methods in International Law: A Handbook* (Edward Elgar Publishing 2021) 464.

politically neutral narrative which only serves to obscure the fact that international law has been constructed for centuries to advance the interests of elite political groupings.⁸ Feminist analyses build upon the critical perspective to further develop that in fact international law serves the interests of male political groupings: elite men have established nationalist and economic priorities to attend to their own needs, and they have long relied on international law to advance such an agenda regardless of the basic human and social needs of women.⁹

Feminist critiques inspired international institutions to give a more attentive look at women's rights. From the 1990s, several gender law reforms ensued in international criminal law and collective security.¹⁰ However, the outcome of this gender revolution has a remarkable trace: "(...) *the space of actual law reform on matters related to gender remains remarkably consistent in the form it takes – drawing in formal equality provisions, protective strategies and special measures that incorporate a combination of US radical, liberal and cultural legal modes*".¹¹ International law reform has incorporated mainstream approaches to feminism to the detriment of others. Using men's lives as a measure for equality, international law treats women as a homogeneous group that mainly suffer from gender oppression. Removing the barriers that impede women from having the same status as men thus should suffice without larger changes to social and economic structures.¹²

By welcoming mainstream feminisms, international law reform reinforces a *civilizing feminism* that addresses women's rights as something alien to other struggles, such as race, class, and imperialism.¹³ Excessively focusing on sex difference, these reforms contribute to an alleged politically neutral narrative that universalizes the experience of white Western women and celebrates liberal feminism as hegemonic while erasing different experiences. As a result, competing feminisms are sent to the margins of international law.¹⁴

⁸ Andrea Bianchi, *International Law Theories: An Inquiry into Different Ways of Thinking* (Oxford University Press 2016) 135-140.

⁹ Gina Heathcote, *Feminist Dialogues on International Law: Successes, Tensions, Futures* (Oxford University Press 2019) 11. Diane Otto, 'Feminist Approaches to International Law' in Anne Orford and Florian Hoffman (eds), *The Oxford Handbook of the Theory of International Law* (Oxford University Press 2016). Hilary Charlesworth, Christine Chinkin, and Shelley Wright, 'Feminist Approaches to International Law' (1991) 85 *The American Journal of International Law* 613.

¹⁰ Including United Nations Security Council Resolution n. 1325.

¹¹ Heathcote and Zichi (n 7) 460.

¹² Heathcote (n 9) 1-29.

¹³ Françoise Vergès, *A Decolonial Feminism* (Pluto Press 2021).

¹⁴ Heathcote (n 9) 1-29.

These reforms have achieved limited success: women in the intersection of multiple oppression find little remedy in international law. I will rely on feminist historiography to think of a more plural future to international law, one that welcomes intersectional feminisms and considers legal solutions to tackle gender inequality in connection with other vectors of oppression. I will rely on Vergara's voice to retrieve an overlooked experience in the fight for equal rights and to theorize how different experiences could inform the future of international law.¹⁵

To retrieve Vergara's voice, I relied on the archives of the League and her memoirs. Through the Total Digital Access Project, I accessed documents produced by the Hague Conference and the League.¹⁶ I also turned to her memoirs to complement archival material.¹⁷ Not all stories are seen as worth preserving, and when archives silence the experience of *outsiders* memoirs are a valuable tool to access their views.¹⁸

3 Marta Vergara and the struggle for equal nationality rights

Nationality is a legal bond between the state and the citizen. States enact their rules on nationality and decide who their nationals are. Nationality is essentially a matter of domestic law, albeit one with international consequences: international law put a limit on states' discretion, assuring human rights are not violated in domestic nationality processes. Several principles, customs, and conventions ensure a fundamental framework of protection to all men, women, and children, including the right to have a nationality and not be arbitrarily deprived of nor denied the right to change it, the prohibition of discriminatory treatment in nationality matters, and the commitment to avoid statelessness.¹⁹

It has not always been the case. At the turn of the 20th century, nationality laws discriminating against women were the rule. Reflecting patriarchal values and unequal legal concepts, most national laws acknowledged a married woman's nationality as contingent on her husband's

¹⁵ Heathcote and Zichi (n 7) 464.

¹⁶ <<https://lontad-project.unog.ch/about-the-project/detailed-info>> accessed 16 March 2022

¹⁷ Vergara (n 2).

¹⁸ Heathcote and Zichi (n 7) 468.

¹⁹ Alice Edwards, 'The meaning of nationality in international law in an era of human rights: procedural and substantive aspects' in Alice Edwards and Laura Van Wass (eds), *Nationality and Statelessness under International Law* (Cambridge University Press 2014). Oliver Dörr, 'Nationality' in Anne Peters (ed), *The Max Planck Encyclopedia of International Law* (Oxford University Press 2019). See: Universal Declaration of Human Rights [1948], art. 15; Convention on the Nationality of Married Women [1957]; International Convention on the Elimination of All Forms of Racial Discrimination [1965], art. 1 and 5.

nationality. In respect of the principle of family unity, a woman who married a foreigner would lose her nationality to avoid having two different legal systems ruling their marriage. Domestic laws had different rules on acquisition and loss of nationality, and thus her faith was uncertain: either she acquired her husband's nationality if his national law so authorized, or she would become a stateless person.²⁰

In the aftermath of World War I, the nationality of married women grew as an issue of international concern. The upheavals of a world conflict made it clear that concerted efforts were needed to deal with nationality conundrums emerging out of structural changes in borders and mass population displacement.²¹ It is in this context that the Hague Conference was conceived as a multilateral forum to discuss the progressive codification of international law. From March 13 to April 12, 1930, 48 state delegations gathered to discuss internationally agreed standards for three subjects: Nationality, Territorial Waters, and The Responsibility of States for Damage Caused in Their Territory to the Person or Property of Foreigners.²²

Debates should build upon a preliminary foundation laid one year in advance: a preparatory committee met in 1929 to examine states' replies regarding the three proposed issues, and, from these answers, experts prepared the bases of discussion for the Hague Conference.²³ The nationality of married women was one of the topics that most engaged heated debates. As there was no general agreement on whether the nationality of a woman should be changed solely by reason of marriage, the preparatory committee suggested that it should suffice if states agreed that the loss of one nationality would be conditional on the acquisition of other.²⁴ From this conclusion, the preparatory committee drafted bases of discussions 16 to 19, which served as the point of departure for discussions at the Hague Conference.²⁵

²⁰ Radha Govil and Alice Edwards, 'Women, nationality and statelessness: the problem of unequal rights' in Alice Edwards and Laura Van Wass (eds), *Nationality and Statelessness under International Law* (Cambridge University Press 2014) 171. DuBois (n 5).

²¹ DuBois (n 5) 204.

²² LNA (n 1).

²³ LNA, Conference for the Codification of International Law, Bases of Discussion Drawn Up for the Conference by the Preparatory Committee, Volume I – Nationality (Official No. C.73.M.38.1929.V, Geneva, May 15th, 1929).

²⁴ LNA (n 23) 94.

²⁵ LNA (n 23) 95, 103. Basis 16: "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". Basis 17: "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". Basis 18: "Naturalisation of the husband during marriage does not involve a change of nationality for the wife except with her consent". Basis 19: "After dissolution of a marriage, the wife recovers her former nationality only on her own application and in accordance with the law of her former country. If she does so, she loses the nationality which she acquired by her marriage".

The preparatory committee avoided discussions on the equality of sexes, and the bases reflected old-time assumptions that a wife should accommodate to the needs of her husband as the head of marriage.²⁶ Delegations argued for and against the bases at the Hague Conference, making clear that states hold two conceptions on nationality: while some acknowledged women as full citizens entitled to the same rights as men to decide on their nationality, others understood that wife and husband should share the same nationality to respect family unity.²⁷ Chile was among the former; the Chilean representative expressly opposed the bases and defended the equality of sexes as a matter of social justice.²⁸

Women's organizations also opposed the bases under discussion. These women were aware that the event had a conservative and circumspect nature, and most delegates were inclined to deal with the proliferation of statelessness and dual nationality cases with as little disruption as possible to the institution of marriage. Still, they requested to make their case for equal nationality rights at the Hague Conference as an attempt to avoid the bases from getting crystallized in the codification of international law.²⁹ The *ladies* were invited to present their arguments at the Hague Conference, on April 1st, 1930, before a decision was taken regarding bases 16 to 19.³⁰ This is when Marta Vergara entered the picture, and her life forever changed.³¹

Two of the Chilean delegates, Miguel Cruchaga and Alejandro Alvarez, championed women's rights and collaborated with women's organizations to bring the nationality of married women to the Hague Conference. As Chile was one of the few countries that ensured equal nationality rights, both men agreed to look for a Chilean woman who could speak on behalf of the country and its progressive legislation. They called their embassy in Paris and, through the contact of some artists who lived in town, Vergara's name came up.³²

²⁶ Stienstra (n 6) 68-69.

²⁷ For example, the British delegation stood by women's freedom of choice, while the Dutch relied on a public policy argument to claim that the wife's nationality should follow that of her husband. LNA (n 1) 147-150.

²⁸ LNA (n 1) 151.

²⁹ DuBois (n 5) 205-207. Women's organizations involved in these lobbying efforts included the International Council of Women and the International Woman's Suffrage Alliance.

³⁰ LNA (n 1) 157.

³¹ Vergara (n 2) 84.

³² Only five countries had nationality laws that did not discriminate against married women: Chile, Uruguay, Paraguay, Argentina, and the Soviet Union. Marino (n 3) 645. DuBois (n 5) 210-211. Vergara (n 2) 86.

Born in 1898 in Valparaíso, Vergara belonged to a once aristocratic family who impoverished during her childhood. She left the country when General Ibáñez inaugurated a dictatorship in Chile in 1927. Working in Paris as a correspondent for the Chilean newspaper *El Mercurio*, she had little interest in feminism at the time that she received the invitation to attend the Hague Conference. Vergara only agreed to go to the Hague due to the promise that she would have a role similar to that of a *statue*. However, once she got there and had the first contact with feminists like Doris Stevens – chair of the IACW –, she became very fond of their fight.³³

At the Hague, she learned that in fact she was a much-celebrated guest. As soon as they met, Stevens told Vergara she had a crucial role at the Hague Conference as a true exemplar of a country that granted equal nationality rights to men and women regardless of their marital status. They expected her to deliver a speech as evidence that equal rights did not destroy families. Becoming aware of her true position at the Conference and knowing little about women's rights at that time, Vergara turned to Cruchaga who immediately asked his assistant, Benjamín Cohen, to write the speech that she would deliver that same night before the plenipotentiaries. To her surprise, Stevens did not hesitate to let Vergara know that the speech was too weak. However, there was no time for adjustments and Vergara would have to deliver the words as written.³⁴

At the agreed time, representatives of women's organizations took over the plenary to make their case for equal nationality rights. Old-time activists – such as Chrystal MacMillan – initiated the debates. Their speeches revolved around the claim that states should treat women as full citizens whose political rights deserved respect. Potential conflicts of law or the prevention of statelessness should not justify male domination.³⁵ Stevens followed them, relying on an alleged emerging tendency among countries towards more equal rights in nationality, she asked plenipotentiaries not to begin the codification of international law reinforcing inequality between men and women.³⁶ Vergara delivered the last speech, exalting that equal nationality rights did not destroy the unity of Chilean families and defending women's independent nationality right as a principle that should be upheld by all states.³⁷

³³ Vergara (n 2) 84-93.

³⁴ Doris Stevens made this remark knowing that the author was indeed a man. Vergara (n 2) 89.

³⁵ LNA (n 1) 178-181.

³⁶ LNA (n 1) 181-183.

³⁷ LNA (n 1) 183.

Finished the last debates, the Chairman put bases 16 to 19 to vote. Despite women's speeches at the plenary, delegations approved all bases related to the nationality of married women with no alterations. They were later included as articles 8 to 11 in the resulting Convention on Certain Questions relating to the Conflict of Nationality Laws (the Hague Convention on Nationality).³⁸

Despite the disappointing outcome of the Hague Conference, Vergara found the experience remarkable.³⁹ She learned about what those women were fighting for, and the justice of their cause became evident to her. Closely collaborating with these feminists, it did not take long for Vergara to grow as a leader: she became the Chilean representative at the IACW, and Stevens served as a mentor in her feminist journey while they combined efforts to press against the ratification of the Hague Convention on Nationality.⁴⁰

Once the nationality of married women was taken to the League, the women's organizations landed a victory: the Council acknowledged that discussions held at the Hague Conference did not settle the question and agreed with their request to create a committee to further study the question.⁴¹ Eight women's organizations accepted to join the Women's Consultative Committee on Nationality (Consultative Committee).⁴² Vergara was appointed as one of the four representatives of the IACW at the Consultative Committee.⁴³

The Consultative Committee prepared a report to be presented at the 1931 session of the Assembly.⁴⁴ In their memorandum, the organizations expressly opposed the Hague Convention on Nationality claiming that it reinforced a patriarchal system that deprived women of full civil and political rights. The women urged the Assembly to reconsider the Hague Convention on

³⁸ LNA (n 1) 184-190. LNA, Conference for the Codification of International Law, The Hague, March-April 1930, Final Act (Official No. C.228.M.115.1930.V, Conf. C.D.I.29, Geneva, May 2nd, 1930) 14.

³⁹ Vergara (n 2) 93.

⁴⁰ Marino (n 4) 124. Vergara (n 2) 90, 93.

⁴¹ LNA, Extract from Minutes of the 9 meeting of the 62 Session of the Council, January 24, 1931 (R2076/3E/25640/25640).

⁴² International Council of Women; International Alliance of Women for Suffrage and Equal Citizenship; Women's International League for Peace and Freedom; Inter-American Commission of Women; Equal Rights International; World Union of Women for International Concord; All-Asian Conference of Women; International Federation of University Women.

⁴³ LNA, Letter from the Inter-American Commission of Women to Sir Eric Drummond, the Secretary-General of the League of Nations, March 16, 1931 (R2076/3E/25712/25640/Jacket1).

⁴⁴ LNA, Report by the Secretary-General to the 12th Ordinary Session of the Assembly, 1931 (Official n.A.19.1931.V, Geneva, July 27th, 1931) (R2076/3E/30627/25640) 1-6.

Nationality and submit “to the Governments for ratification a new Convention founded on the principle of equality between men and women with regard to nationality”.⁴⁵

Vergara was nominated as an expert of the Chilean delegation for the 1931 Assembly. Very different from her first experience at the Hague Conference, the delegation granted her both the space to speak in the plenary and the liberty to present arguments of her own.⁴⁶ However, after the report was received, the Assembly decided to grant an opportunity for concerned states to submit their observations on the Hague Convention on Nationality and hence postponed the decision regarding the women’s request for the 1932 session. The Assembly also opened a new door for women: should the Consultative Committee consider it necessary to present further observations, they would be received and considered.⁴⁷

This new opportunity to submit further information to the Assembly brought to light the crisis that the Consultative Committee experienced. Frictions among the women’s organizations were nothing new. Since the days at the Hague, they disagreed on the methods of their struggle (disruptive against compromising approaches) and the content of women’s rights (strict equal rights or an agenda that also welcomed other struggles).⁴⁸ They managed to work together as a Consultative Committee, but now their differences became insurmountable. For the 1932 Assembly, the Consultative Committee released two different statements.

Four of the organizations – IACW included – sent the first one. It made clear from the start that the Hague Convention on Nationality was a milestone in the codification of international law, and hence should not bear inequalities. The statement follows stressing the multiple oppressions felt over women due to unequal nationality laws: more than having their political rights ripped off, women “*who have been deprived by marriage of their own nationality are unable to get employment because they are classed as aliens even though living in the land of their birth*”. In a time of economic distress, women who lost their nationality remained unemployed with no access to pension. The organizations requested the Assembly to bring about the reconsideration of Hague Convention on Nationality, delete from it the four articles that discriminate against women (8 to 11), submit a new legal instrument founded on the equality of sexes, allow women

⁴⁵ LNA (n 44) 7-14.

⁴⁶ Vergara (n 2) 101.

⁴⁷ LNA, Report of the First Committee to the Assembly, Geneva, September 22nd, 1931 (Official No. A.84.1931.V) (R2076/3E/25712/25640/Jacket1).

⁴⁸ Marino (n 3) 645. Rupp (n 6) 218-219. Vergara (n 2) 98-100.

to present their point of view on all codification projects affecting their status, and ensure that future attempts regarding the codification of international law carried no inequalities based on sex. Marta Vergara signed this document on behalf of the IACW.⁴⁹

The other statement prepared by the remaining members of the Consultative Committee had a conciliatory nature. Arguing that an increasing number of states were promoting changes in their nationality laws towards equality, they claimed that the Hague Convention on Nationality did not represent the maximum international agreement on the issue of married women. Moreover, the obstacles international law faced – including statelessness – could not be used to maintain women in a place of subordination. However, it adopted a lighter at the end: the organizations acknowledged that the benefit of the work done at the Hague should not be lost and asked the Assembly “*to decide that it is necessary to proceed to a new examination of the nationality of women*”.⁵⁰

To assess all documents and replies received in response to the call made at the 1931 session – including both statements by the women’s organizations –, the 1932 Assembly created a committee to assess the equal nationality issue. Representatives from thirteen states joined the committee to discuss whether the Assembly should either recommend the revision of articles 8 to 11 of the Hague Convention on Nationality or recognize that the results attained at the Hague Conference represented the maximum agreement that states could reach at that moment on the subject.⁵¹ Vergara joined this committee representing the Chilean delegation.

The committee worked on several draft resolutions for discussion. Chile and Colombia jointly presented the first of them proposing the complete revision of articles 8 to 11 of the Hague Convention on Nationality and the draft of a new international instrument based on the equality of sexes in the matter of nationality.⁵²

⁴⁹ LNA, Observations by the Committee of Representatives of Women’s International Organisations, Geneva, September 7th, 1932 (Official No. A.23.1932.V) (R2076/3E/25712/25640/Jacket2) 2-3. Organizations signing the statement: Women’s International League for Peace and Freedom; Inter-American Commission of Women; Equal Rights International; All-Asian Conference of Women.

⁵⁰ LNA (n 49) 4-6. Organizations signing the statement: International Council of Women; International Alliance of Women for Suffrage and Equal Citizenship; International Federation of University Women; World Union of Women for International Concord.

⁵¹ The following countries joined the committee: Denmark, Canada, France, United Kingdom, Venezuela, Irish Free State, Sweden, Austria, Switzerland, Germany, Italy, Belgium, and Chile.

⁵² LNA, Report by the First Committee to the Assembly (Official No. A.61.1932.V, Geneva, October 10th, 1932) (R2076/3E/39092/25640) 1-5.

Vergara personally addressed the committee in support of the draft. The Chilean stressed that the Hague Convention on Nationality was based on the unequal treatment of women, and hence its ratification meant crystallizing the *spirit of inequality* in the codification of international law. She explained that both the Chilean and Colombian delegations were aware that negotiating a new convention would be extremely difficult due to the existence of national laws still based on inequality. Nonetheless, they hoped that “*time would do its work and that the present tendency to amend these laws in a progressive sense would continue. It was only by hastening this progress that there could be any hope of one day reaching a real agreement*”.⁵³

For Vergara, the codification of international law had an important role in setting the precedent for equality. As the first step towards this aim, the Hague Convention on Nationality should not carry the inequality of sexes; it should rather serve as a model for equal rights and women’s liberty to inspire governments and peoples. Vergara then made a timid but powerful remark in her speech on the several struggles that women fought beyond the gender gap. She recalled that women had multiple roles in society, and their claims should not only meet indifference from men: “*Today conditions of life forced women also to make their own way in the world*”.⁵⁴

Despite Vergara’s arguments, the committee rejected the joint proposal. Delegations relied on both old-time arguments to challenge the resolution, including the principle of family union, and the procedural difficulties of revising a convention that some states had already ratified. In the end, the Canadian proposal prevailed. Through the resolution, the committee drew attention of states to the possibility of enacting domestic laws in a form more appropriate to meet the wishes of the women’s organisations; yet it supported the ratification of the Hague Convention on Nationality.⁵⁵

Vergara opposed this resolution. In her last speech at the committee, she made it clear that the proposal was unfavorable to women. By recommending the ratification of the Hague Convention on Nationality, she stressed that the Assembly would reinforce the subjugation of women in the codification of international law. Ultimately, the League would send a message

⁵³ LNA, 13th Ordinary Session of the Assembly, 1932, 1st Committee, Provisional Minutes of the Third Meeting held on Saturday, October 1st, at 10.15 a.m. (A.1/P.V.3.1932) (R3366/15/39075/39063) 3-4.

⁵⁴ LNA (n 53) 4.

⁵⁵ LNA (n 52).

that women's rights would always be placed in the background of international political interests:

Lastly, Madame Vergara found it difficult to agree that the resolution passed was favourable to women, since they had unanimously expressed their opposition to the Hague Convention. (...) Moreover, when women learned that their aspirations could not be satisfied for political reasons, they naturally felt that their interests had been placed in the background.⁵⁶

Vergara returned to Chile at the end of 1932. Back home, she found a country struggling against structural problems with public housing, health, and social welfare. Years under a military dictatorship left a heritage of poverty for Chile, while opening space for an emerging community full of socialist ideas to answer social demands. Vergara soon found a place in this community and put into practice what she learned from socialist readings. Socialist ideas infused her feminism, and she got closer to the demands of working women who showed her that equal civil and political rights were meaningless to them: they had more pressing needs, including economic and class concerns.⁵⁷

However, it did not take long for Vergara to reconsider, once again, her feelings towards the importance of equal rights. Collaborating with other activists from the Americas, she had a pivotal role in the development of a *feminismo americano* that fused civil and political rights with demands for economic and social justice. These struggles were not incompatible; rather the contrary, one complemented the other. Women's emancipation had to be full: civil, political, economic, and biological. For this holistic approach, women from the Americas proudly argued to have become a model for feminists from the global North.⁵⁸

Vergara consolidated herself as a much-celebrated feminist leader in the Americas upon her return from the League. She brought *feminismo americano* to one of the most important Chilean feminist organizations – the Movement for the Emancipation of Chilean Women, which she co-founded –, and to the regional meetings and conferences she attended throughout the hemisphere in the late 1930s.⁵⁹

⁵⁶ LNA, 13th Ordinary Session of the Assembly, 1932, 1st Committee, Provisional Minutes of the Sixth Meeting held on October 10th, 1932, at 3.30 p.m. (A.1/P.V.6.1932) (R3366/15/39075/39063) 2-3.

⁵⁷ Marino (n 3) 647-648. Corinne Pernet, 'Chilean Feminists, the International Women's Movements, and Suffrage, 1915-1950' (2000) 69 *Pacific Historical Review* 663, 679.

⁵⁸ Marino (n 3). Marino (n 4). Pernet (n 57) 678-683.

⁵⁹ Marino (n 3) 648. Pernet (n 57) 680.

Still, even if timidly, her preoccupations beyond an equal-rights agenda were heard at the League. Receiving more space from the Chilean delegation, her speeches gained layers as she waved to working women who had to make their lives outside the home and to power-political struggles that placed women's rights in the background of international law: having no nationality had different implications for working women from the global South.

4 Conclusion

In the first decades of the 20th century, activists from South and Central America developed *feminismo americano*. Breaking with traditional assumptions that the global South merely imports ideas from the United States and Europe, these *feministas* were in the vanguard when they advanced the idea that women's rights are human rights and argued for the interdependence between intersectional vectors of oppression beyond gender.⁶⁰

Marta Vergara was among the women that developed *feminismo americano* and turned the world attention to the Americas. A spokeswoman for equal nationality rights, she had a short career at the League in the beginning of the 1930s. Despite the little time she had at the organization, she vocally argued for equality and denounced legislation that caused women to lose their nationality upon marriage as a sign of pervasive male domination. Vergara, as the *feministas* she collaborated with, understood the important role international law had in redressing women's social, economic, and political inequities.⁶¹ However, to reach its full potential, international law should not be limited to fight against the gender gap; it had to go further to have a meaningful impact on women's lives. Their concerns remain valid as reforms based on mainstream feminisms take over international law.

It is about time international law paid more attention to women from the global South, for they have much to contribute towards a more plural and inclusive future. International law has mainly reduced women to gender in isolation of other vectors of oppression – such as race, class, and imperialism –, risking perpetuating civilizing narratives through reforms and feminisms “*disconnected from feminist political agendas and histories*”.⁶² Vergara has long

⁶⁰ Marino (n 4) 236.

⁶¹ Marino (n 3) 643.

⁶² Heathcote and Zichi (n 7) 472.

showed that this is not the way to go. Civil and political rights must be read in connection with economic and social struggles, for women face other struggles beyond the gender gap.

It is crucial to give due credit to global South women in their effort to construct international law. We can only celebrate the existence of a myriad of international treaties related to the status of women because of the work of pioneer women who have taken the first steps to take (regionally shaped) ideas to international *fora*. From these ideas we can better understand the present and shape the future: acknowledging the *corpus* of international women's rights, improving execution and thinking of new legal instruments, all considering the intersection of gender with broader political, economic, and social contexts as *feminismo americano* always intended.