

## APPENDIX IV.

**Committee on the Position of the Dominions and India in relation to the Signature of Treaties and the Question of Territorial Waters.**

CONCLUSIONS OF A MEETING OF THE ABOVE COMMITTEE HELD IN THE ROOM OF THE SECRETARY OF STATE, FOREIGN OFFICE, S.W., ON THURSDAY, OCTOBER 25, 1923, AT 11.15 A.M.

**Present:**

- The Most Hon. the MARQUESS CURZON OF KEDLESTON, K.G., G.C.S.I., G.C.I.E., Secretary of State for Foreign Affairs (*in the Chair*).
- His Grace the DUKE OF DEVONSHIRE, K.G., G.C.M.G., G.C.V.O., Secretary of State for the Colonies.
- Sir J. E. MASTERTON SMITH, K.C.B., Permanent Under-Secretary of State, Colonial Office.
- VISCOUNT WOLMER, M.P., Parliamentary Secretary, Board of Trade.
- Sir C. J. B. HURST, K.C.B., K.C., Legal Adviser, Foreign Office.
- Mr. E. J. HARDING, C.M.G., Deputy-Secretary of the Imperial Conference.
- The Right Hon. W. L. MACKENZIE KING, C.M.G., Prime Minister of Canada.
- Commodore WALTER HOSE, C.B.E., R.C.N., Director of Naval Service, Canada.
- The Right Hon. S. M. BRUCE, M.C., Prime Minister of the Commonwealth of Australia.
- Sir ROBERT R. GARRAN, K.C.M.G., Solicitor-General and Parliamentary Draftsman, Commonwealth of Australia.
- The Right Hon. W. F. MASSEY, Prime Minister of New Zealand.
- Mr. F. D. THOMSON, C.M.G., Secretary, New Zealand Delegation.
- General the Right Hon. J. C. SMUTS, C.H., K.C., Prime Minister of the Union of South Africa.
- Mr. DESMOND FITZGERALD, T.D., Minister of External Affairs, Irish Free State.
- Mr. O. ESMONDE, Irish Free State.
- Mr. P. MCGILLIGAN, Irish Free State.
- The Hon. W. R. WARREN, K.C., Prime Minister of Newfoundland.
- Sir A. HIRTZEL, K.C.B., Deputy Under-Secretary of State, India Office (representing the Secretary of State for India).

The following were also present during the discussion of Conclusion 2:—

- The Right Hon. Sir P. LLOYD-GREAME, K.B.E., M.C., M.P., President of the Board of Trade.
- Lieutenant-Colonel the Right Hon. Sir R. A. SANDERS, Bart., M.P., Minister of Agriculture and Fisheries.
- Mr. H. G. MAURICE, C.B., Fisheries Secretary, Ministry of Agriculture and Fisheries.
- Vice-Admiral Sir ROGER J. B. KEYES, Bart., K.C.B., K.C.V.O., C.M.G., D.S.O., Deputy Chief of the Naval Staff, Admiralty.
- Vice-Admiral F. C. LEARMONTH, C.B., Hydrographer to the Navy, Admiralty.
- Sir G. E. A. GRINDLE, K.C.M.G., C.B., Assistant Under-Secretary of State, Colonial Office.
- Mr. P. J. ROSE, Assistant Under-Secretary, Scottish Office (representing the Secretary for Scotland).

Mr. C. W. DIXON  
Mr. F. E. F. ADAM  
Dr. O. D. SKELTON } *Joint Secretaries.*

**POSITION OF THE DOMINIONS AND INDIA IN RELATION TO THE SIGNATURE OF TREATIES.**

THE Committee decided to recommend for adoption by the Imperial Conference the Draft Resolution relative to the Negotiation, Signature and Ratification of International Agreements, subject to the amendment of the last sentence of Part I 1 (c) to read as follows:—

"In the case of treaties negotiated at International Conferences, where there is a British Empire Delegation, on which, in accordance with the now established practice, the Dominions and India are separately represented, such representation should also be utilised to attain this object."

The complete Resolution in its amended form appears in Annex (A) attached.\*

The Secretary of State for Foreign Affairs undertook to circulate to the Committee a short historical memorandum on the position of the Dominions in relation to the signature of treaties (see Annex (B) attached).

**PROHIBITION AND LIQUOR SMUGGLING IN THE UNITED STATES.**

2. The Committee recognised the importance of no action being taken which might tend to impair the principle that the 3-mile limit should be the general limit of territorial jurisdiction. At the same time the sense of the Committee was that it was desirable, first on moral grounds, secondly with a view to maintaining good relations with the United States of America, and, thirdly, in the interests of British commerce, that action should be taken, if practicable, to assist the United States Government in suppressing the smuggling of liquor by British vessels.

It was noted that the Inter-Departmental Committee, which had examined the question in Great Britain, had been unable to recommend any satisfactory method of assistance apart from an agreement with the United States Government on the general lines of Mr. Hughes' proposal. It was felt, however, that the form of Treaty suggested by Mr. Hughes was not wholly suitable, and that it would be better to frame a counter-proposal on similar lines designed to obtain from the United States Government a formal affirmation of the general principle of the 3-mile limit and to ensure their support of that principle at any International Conference on Territorial Waters.

The Secretary of State for Foreign Affairs accordingly proposed that the British Government should take the initiative in suggesting to the United States Government an exchange of notes by which the principle of the 3-mile limit of territorial waters would be affirmed on both sides; at the same time it would be arranged on the one hand that no objection would be raised, as a special concession for a limited period, to the search of British vessels engaged in liquor smuggling outside the territorial waters of the United States, and on the other hand that British vessels should be permitted to carry liquor under seal in the territorial waters of the United States.

It was agreed that a draft note to the United States Government should be prepared on these lines and circulated to the members of the Committee for consideration.

2, Whitehall Gardens, S.W. 1,  
October 27, 1923.

\* Also reproduced in Section IX of the published Report of the Conference (Cmd. 1987.)