

Similarly for the sake of brevity the phrase "the Dominions" is sometimes used without mention of India, but it is intended in all cases to include India, even though not mentioned.

3. Whatever changes are made, the form adopted should comply with two requirements: (1) it should preserve the principle of the unity of the Empire, *i.e.*, indicate that "the British Empire" is something which includes and is made up of Great Britain and Northern Ireland, the Colonies, &c., as well as the Dominions and India; (2) it should not imply any want of equality between Great Britain, the Dominions and India as participants in the treaties in question. With these objects in view, it is suggested that in future the contracting party should, in cases where the treaty is signed on behalf of all parts of the Empire, be described in the list at the beginning of the treaty as "the British Empire," followed in brackets by the words "Great Britain and Northern Ireland and all parts of the Empire which are not separate members of the League, Canada, Australia, New Zealand, South Africa, the Irish Free State and India."

4. This form would only require slight modifications in cases where the treaty is not signed on behalf of all parts of the Empire. In all cases where it is signed on behalf of more than one part of the Empire which is a member of the League, the formula would be as shown above, only omitting within the brackets those parts of the Empire which do not sign. In cases where the treaty is signed on behalf of Great Britain and not on behalf of the Colonies, &c., the phrase "and all parts of the Empire which are not separate members of the League" would be omitted. Cases where the treaty is signed only on behalf of one part of the Empire which is a separate member of the League should be divided into those in which the terms of the treaty give liberty to members of the League to sign subsequently up to a given date and those in which they do not. In the first case the words "the British Empire" should be retained and the name of the signatory part of the Empire placed within the bracket, so that in the event of another part of the Empire signing subsequently, its name can be added within the bracket. In the second case, the expression "the British Empire" should not be used, and the name of the signatory part of the Empire should be inserted in its position in the alphabetical order of the signatories. Forms showing the procedure in each of these various cases are appended in Annex II.\*

*Description of Plenipotentiaries and Form of Signature.*

5. It will be seen from Annex I that all the plenipotentiaries for the different parts of the British Empire are grouped together after the King, but that, whereas the name of the plenipotentiary appointed by the Government in London is not accompanied by any territorial description, the names of the plenipotentiaries for the Dominions and India are preceded by the name of the part of the Empire on behalf of which each is authorised to act.

6. This arrangement reflects the present form of the full powers issued by His Majesty to the various plenipotentiaries. The form of full power issued to the plenipotentiaries acting on behalf of the London Government is unlimited, that is, it contains no limitation as to the part of the Empire for which they are authorised to sign. (Plenipotentiaries holding full powers in this form constitute what is sometimes known as the "Central Panel.") The plenipotentiaries acting on behalf of the Dominions and India hold full powers authorising them to sign "in respect of our Dominion of Canada," &c. This procedure was adopted at the Paris Peace Conference in 1919 and the Washington Disarmament Conference in 1921, and it was provided in the Resolution of the Imperial Conference of 1923, on the subject of the negotiation, signature and ratification of treaties, that, as regards treaties negotiated at International Conferences, the full powers should be in the form employed at Paris and Washington.

7. As regards the form of signature, it is usual in the case of treaties negotiated under the auspices of the League to print against the names of the signatory plenipotentiaries the names of the countries for which they sign. The present form of signature so far as the various parts of the British Empire are concerned is shown in the specimen given in Annex I.

\* Papua and Norfolk Island are regarded as being covered by the term "Australia." For the position of mandated territories, see paragraph 9.

† The examples of forms for the list of States in the preamble to League treaties quoted in Annex II do not exhaust all possible cases, *e.g.*, there might be a convention similar to that negotiated at the First Opium Conference at Geneva in 1924-5, which by its terms applied only to India and certain Eastern Colonies, &c. It does not seem necessary to determine in advance what modifications (if any) in the suggested forms would be required; it would seem sufficient to leave such special cases to be dealt with as they arise in accordance with the general principles here laid down.

8. The effect of the form of the full powers described above is that the signature of the "Central Panel" plenipotentiaries is of such a nature as, in the absence of any qualifying declaration, to bind the whole Empire, while the signature of each Dominion plenipotentiary only binds the Dominion which he represents. In order to prevent the signature of "Central Panel" plenipotentiaries resulting in any Dominion being made a party to a League Treaty without its Government signifying its acceptance of the treaty by the signature of its own plenipotentiaries and binding itself by their signatures, a procedure is followed by which "Central Panel" plenipotentiaries formally append to their signatures a declaration excluding from the operation of those signatures any Dominion which, being a separate Member of the League, does not by separate signature or accession become a party to the Treaty. The net result is that any Dominion whose plenipotentiaries sign a League Treaty is technically covered by two separate sets of signatures, *viz.*, those of its own plenipotentiaries and those of the "Central Panel" plenipotentiaries. Similarly, if a Dominion accedes, the accession extends *pro tanto* the operation of the signatures of the Central Panel plenipotentiaries.

9. This system presents considerable advantages. From the point of view of foreign Powers the fact that so much of the Empire as accepts the treaty is covered by the signature of a single plenipotentiary renders it impossible to contend that it is not contracting as a unit or that two separate parts of the Empire which accept the treaty are, in relation to one other, separate contracting parties. From the point of view of the Empire it provides for the full operation of the principle that no Dominion is to be bound by a treaty without a signature or an act of accession for which its own Government is responsible. From the external point of view the present system gives formal expression to an essential principle governing the relationship between the various parts of the British Empire, whether self-governing or not, *viz.*, that they stand in relation to one another in a position entirely different from that in which each stands in relation to foreign countries. If this were not the case, that is, if it could be held that parts of the Empire were separate contracting parties *inter se* in the same sense as each is a contracting party in relation to foreign countries, it would be impossible for a part of the Empire which was a party, for example, to a League Treaty guaranteeing equal treatment, to accord to another part of the Empire preferential treatment in respect of any of the matters covered by the treaty without at the same time extending that treatment to the foreign countries which were parties; further, if the treaty contained provision for the reference of disputes to the Permanent Court of International Justice, differences of opinion between two parts of the Empire, which were parties to the treaty, as to its application or interpretation would have to be referred to the Permanent Court. There would also be other reactions in the sphere of international relationships of the most far-reaching character; for example, there would be difficulty in maintaining that a commercial treaty granting most-favoured-nation treatment to a foreign country did not entitle that foreign country to any tariff concessions granted by one part of the Empire to another.

10. If it is thought that the present procedure does not comply in form with the accepted principle of full equality between the various parts of the Empire, which forms the basis of any discussion of questions of this kind, some alternative form must be found which will safeguard the principles indicated above. A possible alternative would seem to be a form of full power containing words of geographical limitation applying to each plenipotentiary, with corresponding geographical limitation against the name of each plenipotentiary both in the preamble and the list of signatures. Any new arrangements should, however, be applied as regards the full power, the preamble and the list of signatures in such a manner as to safeguard the principle indicated in paragraph 9.

An appropriate form of preamble would appear to be on the following lines: All the plenipotentiaries for the different parts of the British Empire would then continue to be grouped together after the King as contracting party in the following manner with words of geographical limitation applying to each plenipotentiary:—

His Majesty the King, &c.,  
For Great Britain and Northern Ireland, &c.,

A.B.

For Canada,

C.D.

&c.

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B 2

Index.