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PREPARATORY MEETINGS ON CONSTITUTIONAL QUESTIONS.

TREATY PROCEDURE.

Note of views of Government of the Irish Free State.

DEPARTMENT OF EXTERNAL AFFAIRS,
DUBLIN.
High Commissioner,
LONDON.
9th November, 1936.

With reference to your Note of the 5th November regarding the meeting of High Commissioners to be held tomorrow at Mr. de Water's Office to discuss the South African proposals on Treaty procedure, I am directed by the Minister to set out below the views of the Government of Saorstát Éireann on this matter:

- (1) The applicability or non-applicability of a multilateral treaty amongst the States of the British Commonwealth of Nations cannot depend upon the form in which the treaty is concluded.
- (2) Obligations assumed by the States of the British Commonwealth of Nations in a multilateral treaty concluded in the Heads of States form apply as between the States of the British Commonwealth of Nations in the same way as they apply between each of those States and any other State, party to the Treaty, which is not a member of the British Commonwealth.
- (3) The scope and incidence of obligations arising between the parties to any multilateral treaty in whatever form concluded depend on the stipulations of the treaty itself and not upon any other relations existing between the parties thereto.

It will be seen in view of the attitude of the Government of Saorstát Éireann as set out above that the proposals of the Government of the Union of South Africa are unacceptable to the Government of Saorstát Éireann. It is felt that the South African proposals are retrogressive in character and do not make clear the

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