

Mr. FITZGERALD: I entirely agree with the thing—

SIR CECIL HURST: These arbitration treaties are a substitute for war, and consequently they are matters upon which it is almost essential that the same units affected by the war should be bound by the arbitration treaty as a substitute for war. Is the whole of the rest of the Empire to be held up for twenty years in making some satisfactory arrangement for the settlement of the disputes that there may be because one part of the Empire says: "My interests are so small, I will not help them"?

Mr. FITZGERALD: No, no, I entirely agree.

SIR CECIL HURST: That is all you were asked to do.

Mr. FITZGERALD: We were quite ready for you to go ahead, but we did not want to be bound by presupposing that we are in a thing unless we say we are out. I prefer that we should be considered out of it unless we definitely affirm that we want to come in.

SIR CECIL HURST: It is a very good illustration of the difficulty of which this Government as a rule alone has to bear the brunt. There was a case where, for the reasons that I have just explained, it is desirable that the method of settling disputes should be commensurate with the area which will be involved in the war if the dispute is not settled. All the Dominions were kept informed as to the proposal to conclude it and as to the lines of investigation. Is not this Government in London entitled to assume that a Dominion which does not say so at the time the negotiations are going on will not object afterwards to such a treaty having been concluded?

Mr. FITZGERALD: We have no objection to its being made.

SIR CECIL HURST: Objection to its being made in the shape in which it was then being negotiated, *i.e.*, of general application.

Mr. FITZGERALD: Well, of course, on this equality point I do not see myself—I am sorry that I appear so cantankerous about it—how one Government can appoint a man, or the King appoint a plenipotentiary, to act on our behalf without the advice of our Government.

Mr. LATHAM: That advice may be in two forms, *e.g.*, if the Government were to say that in the absence of adverse comment from us, in the absence of any such comment, go ahead; if that is said, it is all right. There is the authority from the Dominion.

Mr. FITZGERALD: If we agree here.

Mr. LATHAM: Then it seems to me, as to the rest of it, that if any Dominion likes to take the responsibility of placing the Empire in general in this position, it is able to do so.

SIR FRANCIS BELL: You do not see the actual terms of the treaty.

Mr. LATHAM: But we can ask for them if we want them. If any Dominion wishes to place the Empire as a whole in this position, and to take the responsibility of doing so, it is able to do it. Supposing an arbitration treaty were being negotiated, say, with the United States or Germany—leave out the existence of the League of Nations for the moment—and a Dominion says: "Well, you can go ahead with an arbitration treaty with Germany as a substitute for war, but we are very busy; we have been sitting very late, and we have not the time to attend to it, so leave us out as we have to rise next week." Suppose the effect of that is that Germany says: "We will not know where we are going with an arbitration treaty as a substitute for war in this form, and, therefore, we will not make the treaty." That is the responsibility of the Dominion, and I think the Dominion is able to do that; but it would have to be regarded as accepting a very serious responsibility.

Mr. FITZGERALD: If we do the other thing and in a negative way advise—I will give another instance. There were negotiations between Great Britain and Italy dealing with Abyssinia. The first we got to know about that, I think, was read about it in the newspapers; and the first news we had of it was an answer to a question in the House of Commons. Now the plenipotentiary, or whatever you like to call him, when he negotiated with Italy on that, had powers in the names of Australia, South Africa and of us, and the first we knew about it was what we saw in the newspapers. Where is the co-equality?

Mr. LATHAM: I think that would be wrong.

Mr. FITZGERALD: That happened during the last few months.

Mr. LATHAM: I think it would have to be admitted that that was wrong, if that was done.

Mr. FITZGERALD: I think it is a most dangerous thing to set down that unless we state to the contrary we are in.

Mr. LATHAM: Only after information received.

Mr. FITZGERALD: That is more likely to lead to these mistakes. It may have been that a despatch was held up unwittingly here or something like that—I do not know. Also of course it may happen at a time when we have to have a quorum of our Cabinet; we may have to wait a fortnight, as we shall do in the next few months, and no reply will be received. Merely because one Minister is in Cork and another is in Galway we are going to be committed to something. The case of Abyssinia is a thing that will inevitably happen. I am not blaming the British Government.

Mr. HAVENGA: If in connection with this Resolution we enter into a treaty after having given notice to the other Dominions, you would never assume that we had a right to appoint on behalf of any of the other Dominions.

Mr. FITZGERALD: Certainly not.

Mr. HAVENGA: Because they did not raise any objection at the time. I do not suppose that is the case here.

Mr. FITZGERALD: That is what occurs to me.

Mr. HAVENGA: They could not impose any obligations on us because we understood.

Mr. FITZGERALD: We do understand that we have to accept certain obligations, and we have to weigh up to them, but to say definitely that in such a thing we are going to accept obligations is a different matter. Another Government may come along and say: "We regard you as having obligations," but we do not regard ourselves as having obligations, and I gave you that instance of Abyssinia.

SIR FRANCIS BELL: You were not concerned with Abyssinia.

Mr. FITZGERALD: No, we were not; but I am giving the instance of what might happen.

SIR CECIL HURST: I only took this on the footing that the conditions of 1923 were being carried out. I cannot guarantee that in some particular cases there might not have been an oversight, but let us assume that there are cases in which these paragraphs were intended to apply where the Treaty Resolutions had been carried out. These conditions have been an immense burden on the Government, but we have tried to play the game.

Mr. FITZGERALD: That is so; but owing to disorganisation or to our own bad business methods, the thing does not come up for consideration.

SIR CECIL HURST: We cannot be responsible for that.

Mr. FITZGERALD: I quite agree, but at the same time there was a case at one time where they presumably did not read the thing. That could happen, and you cannot put the whole country in a position of being committed to something merely because one responsible Minister was sick, another on holiday and another addressing an election meeting, or that the papers got muddled up and the matter did not come under notice. I think it is a wrong thing to take the matter on the negative side. Either, it should be, we wish to be parties to it and we accept the consequences of it, or we do not.

Mr. HARDING: Take this particular case, surely the principle underlying that was carried out.

Mr. FITZGERALD: I thought when we had no observations to offer it was assumed that we wished to be included. It was a misunderstanding of machinery.

[15542]

c 2