

SECRET.

E. 104.

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IMPERIAL CONFERENCE, 1926.

FORM OF PREAMBLE AND SIGNATURE OF TREATIES.

THE Resolution of the Imperial Conference of 1923 has laid down an agreed method of procedure as regards the negotiation, signature and ratification of treaties.* Experience has since shown that these resolutions, while satisfactory as far as they go, do not cover the whole ground nor provide a solution for all the difficulties which arise. It is hoped therefore that it may be possible at the forthcoming Imperial Conference to supplement this Resolution by further resolutions dealing with difficulties, particularly in regard to the form of preamble and signature, to which experience has called attention, and the following suggestions are made with this end. It is proposed to consider the subject under three heads:—

- I.—League Treaties.
- II.—Non-League Treaties.
- III.—Governmental Agreements.

I.—League Treaties.*

Present Form of Preamble and Signature.

1. League treaties are regularly made in the form adopted in the Peace Treaties, *i.e.*, they begin with a list of the names of the contracting parties, followed by the recitals of the preamble and the list of the Heads of States and the plenipotentiaries appointed by them. A specimen of the form at present employed, so far as the various parts of the British Empire are concerned, as regards the preamble and signature is shown in Annex I.

Description of Contracting Party.

2. Adherence to the wording of the Annex to the Covenant† for the purpose of describing the contracting party leads to the absence of any mention of Great Britain and Northern Ireland and of the Colonies and Protectorates in the preamble. The position as regards those parts of the Empire is therefore obscure. From the point of view of the Dominions and India, owing to there being no mention of Great Britain, there is a risk of uncertainty as to their own position and a suggestion that they are not on a footing of equality with Great Britain as participants in the treaties in question.

It may be well to add that in this memorandum the term "Great Britain" is for the sake of brevity frequently used alone, but it is intended in all cases to include Northern Ireland. For treaty-making purposes some phrase is required which should be understood universally to include Great Britain and Northern Ireland as well as the Channel Islands and the Isle of Man. Until a decision has been taken as to what phrase is to be adopted, the term Great Britain is retained in this memorandum for convenience. It is to be understood as including Northern Ireland if that territory is not specifically mentioned.

* The word "treaty" is here used in the wide sense as covering any international agreement in conventional form other than Governmental agreements, which are dealt with in Section III.

† This wording is as follows:—

"Original Members of the League of Nations—

"British Empire—

"Canada.

"Australia, &c.

"China."

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