

MR. LAPOINTE: Well, Gentlemen, we have discussed the first paragraphs as far as paragraph 10. We have explained the present system, especially with regard to the Central Panel. The system has been explained by Sir Cecil Hurst, and we have decided, quite tentatively, and I think now I had better read paragraph 10.

"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.,

"AB.

"For Canada,

"CD.

"&c.

"The form of signature would then follow the same principle, and would be as follows:—

"British Empire—

"Great Britain and Northern Ireland and all parts of the Empire which are not separate members of the League.

"AB.

"Canada,

"CD.

"Australia,

"EF.

"&c.

"11. The objection to this course is that it does not emphasize to the same extent as the present procedure the important principle described in paragraph 9, and that if it were adopted it would be difficult to maintain that principle in connection with Treaties.

"12. This objection, however, would to a great extent be overcome if all the Governments represented at the Imperial Conference definitely placed on record their view that the principle in question forms the basis of their international position, and communicated to the League, and, if necessary, to individual foreign Powers, an expression of their intention to maintain it in relation to treaties to which they become parties."

My objection there, Sir Cecil, is to keeping the words "British Empire," especially when there are only two or three parts of the Commonwealth which have to sign the treaty. There seems to be rather a contradiction there.

MR. LATHAM: Not as it appears on page 4—it is split up there.

MR. LAPOINTE: Is it not recommended there that the words "British Empire" should appear there even for only two or three States of the Commonwealth which are parties to the treaty?

MR. LATHAM: Yes, these are all parts, I take it, on page 4. On page 4 the British Empire is a covering phrase, it is not identified with Great Britain—it is a covering phrase only.

MR. LAPOINTE: The British Empire would be parties to the treaty.

MR. LATHAM: There is no signature on behalf of the British Empire as a whole. In this case it is distinct from the different parts. On page 4 AB is Great Britain and Northern Ireland, CD is Canada and Australia. It shows the position generally in these cases. There is no signature which is operative as for the whole Empire. There are separate signatures for different parts.

SIR CECIL HURST: It is really carrying out what Mr. Latham suggests. It is an indication that in signing this treaty, in becoming contracting parties to this treaty, they are signing as units of the Empire.

MR. HARDING: Might not the terminology be left over until we come back to paragraph 3? Whatever decision the Committee comes to on the terminology suggested in paragraph 3 will really affect the terminology in paragraph 10.

GENERAL HERTZOG: I must say that as it stands here—I am speaking subject to correction—my objection is met. The British Empire will now include India also, and when you take "British Empire" as standing for Great Britain and Ireland plus the self-governing Dominions, plus India, then, as I have said on a former occasion, I think it is correct. It is only when we come to deal between Great Britain and the self-governing Dominions that I think that a term should be used which is more expressive of that particular content; and here, of course, there is done away with what we fundamentally took exception to, namely, the plenary powers given to Great Britain.

SIR CECIL HURST: That is, Great Britain comes in exactly as the others.

GENERAL HERTZOG: Exactly. That is as far as I can see it.

DR. SKELTON: There is one other question which Mr. Harding has said arises in paragraph 3, and that is the question of consistency in the usage of "British Empire," and that is probably a matter we shall have to come back to. Can "British Empire" be used here in one sense, and then in other places as relating to Great Britain and Northern Ireland? The great thing in these lists is to bring them all into uniformity.

MR. LATHAM: I do not think we can regard that list as being a list of all being on a level—British Empire one and then something quite different and distinct, Canada, South Africa and New Zealand. What is sought to be expressed, rather faultily, is that the British Empire includes all the other parts. I do not think you can read it as Great Britain and Northern Ireland.

SIR FRANCIS BELL: I don't think we like the British Empire "with" or "plus." I want to be within the British Empire, and I do not like an expression which seems to put me outside it; so cannot some other formula be adopted which would not do that at all events? You can see our objection to that form and appreciate it, can you not?

SIR CECIL HURST: I do. I hope also you see our objection to it, because we disappear altogether.

SIR FRANCIS BELL: No, you will not. There must be some means of expression which does not put New Zealand outside the Empire, and you are the genius to devise it.

SIR CECIL HURST: If the parentage of the phrase is to be admitted, it was mine. It was an expedient which I thought was the best that could be resorted to. Some formula had got to be devised, and I hoped that it was the best that could be devised in rather difficult circumstances at the moment, but I sincerely hope that we can now arrive by common agreement at a better one.

SIR FRANCIS BELL: We must devise another. The General objects to it, Canada objects to it, and now those who wish to support you in every way, and not carp at the great difficulties you have had to meet, feel the same difficulty equally. Personally, I said it at once when it was pointed out. I think Mr. Latham pointed it out, and certainly Mr. Bruce did. Everybody now is agreed that "the British Empire with" will not do, because that is absolutely confining the expression "British Empire" to meaning Great Britain and its Colonies.

MR. FITZGERALD: Although Sir Cecil Hurst said that the term "British Empire" has never been accurately used as meaning only Great Britain and the

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