

1 June, 1911.]

## DECLARATION OF LONDON.

[3rd Day.

Mr. BATCHELOR : Then there is the sinking of neutrals.

Sir EDWARD GREY : I will come to the point of the sinking of neutral vessels in a moment; I would like to deal with foodstuffs first. Even supposing the terms are vague they do not take the place of terms which were more definite. There were no terms at all before agreed upon, and at the present moment, with the Declaration of London unratified, if we were at war with a belligerent, there is nothing in the practice of some belligerents, at any rate, to prevent them from declaring all our ports bases of supply and all food coming to this country, whether destined for the enemy Government or not, to be contraband of war. The French took up that position in their war with China only a generation ago. The Germans, when appealed to, refused to dispute it.

At the present moment if we were at war with a Power we might have all food declared contraband of war, whether destined for the enemy or not, simply because it is coming to the population of this country. Under the Declaration of London our enemy would, at any rate, have to make out his case that it was destined for the enemy Government before he interfered with it. Therefore the Declaration of London does not set the hands of a belligerent free to interfere with our food supplies; on the contrary, it hampers him very much in dealing with our food supplies, and he could only take the course which at the present moment no rule of international law prevents him from taking as regards declaring of food contraband of war by driving a coach and four through certain articles of the Declaration. It must hamper our enemy more than he was hampered before in declaring the food supply contraband. So that, as far as that is concerned, admitting that the terms are vague, admitting that there is some ambiguity, as undoubtedly there is, we are better off than we were before, because we are not substituting vague terms for definite terms, but we are putting vague terms, in so far as they are vague, in a place where there were no terms at all.

Mr. MALAN : Sir Edward, perhaps this would be the point to put in a question : What do you regard as the exact legal force of the General Report ?

Sir EDWARD GREY : The "General Report" is the Report of the Conference, and our view is that it was accepted and became part of the conventional arrangement, in the sense of being an authoritative interpretation of the Declaration of London. That is one of the points which we shall make a condition of our ratification, that that view should be accepted by the other Powers.

Mr. BATCHELOR : You propose to make that a condition ?

Sir EDWARD GREY : Yes, I propose to make that a condition. Then I would take the question of the sinking of vessels when we are neutrals.

Mr. BRODEUR : Before you leave that point, Sir Edward, with regard to the question of food, supposing you were at war with a great Continental Power to-day before the Declaration of London is ratified, and that they seized food which was carried in a vessel, in that case it would be referred wholly and simply to the courts of that Power ?

Sir EDWARD GREY : Yes.

Mr. BRODEUR : As it is to-day, it would be referred to a court in which we would have some representatives under the Declaration of London.

Sir EDWARD GREY : If we were at war with a great Continental Power, all merchant vessels belonging to that Power would be seized by us and all British merchant vessels under the British flag would be seized by the fleet of the Continental Power if we could not prevent them, which we, of course, would make it our object to do. The belligerents do not appeal to each other in prize courts.