

2 June, 1911.]

DECLARATION OF LONDON.

[4th Day.]

General BOTHA—*cont.*

The position to-day is that a powerful enemy of Great Britain may conceivably declare foodstuffs conveyed to harbours of the Union contraband, or at least capture such foodstuffs on some pretext or other. As far as we would be concerned we could only fight all the harder, and the only remedy which neutrals would have would be to protest, and in the last resort to go to war—a remedy which, as Sir Edward Grey has pointed out, would almost always be disproportionate to the evil, and one which it is most unlikely they would resort to. From this point of view also therefore, in my opinion, the Declaration of London will be a material improvement on the present position.

After the very lucid explanation of Sir Edward Grey I need not say much about Article 49 of the Declaration, which makes an exception to the general rule established in Article 48 prohibiting the destruction of a neutral vessel by the captor, and requiring it to be taken into such port as is proper for the determination there of all questions concerning the validity of the prize. There has been much criticism on this article, but it seems to me beyond dispute that it protects the destruction of neutral vessels more than they are now protected from destruction under the practices of some of the European Powers, and the safeguards appear to me to be of such a nature as would make a captor more cautious in proceeding to destroy a neutral vessel than he would be now. It was evidently impossible to get all the Powers to agree to the proposition that under no circumstances ought a neutral prize to be destroyed, and the most that could be done, therefore, was to establish uniformity in this practice, and to make the conditions precedent to the sinking of a neutral ship of such a nature as to prevent it as far as possible; and it appears to me that such conditions are prescribed in the Declaration.

I have endeavoured to confine myself in my remarks to those points which have been raised by this resolution. Only one who has had an opportunity to devote a very long and careful study to this subject could adequately discuss the many other and intricate problems involved. I have only tried to give my reasons for not being able to support this resolution, and for saying on behalf of the Union that there seems to be no reason to fear that the interests of that part of the Empire which I have the honour to represent will be prejudiced by the ratification by Great Britain of the Declaration of London.

Sir EDWARD MORRIS: I should like to see the resolution amended to some extent, especially in view of what we have heard from Sir Edward Grey, and I do not think it fairly represents the position of the British Government in relation to this matter. The explanation of the Secretary of State for Foreign Affairs as to why the Dominions were not consulted is a fair and reasonable explanation, and one that commends itself and will commend itself to every one. Further, he stated it was the natural outcome or corollary of the Hague Conventions, as to which the Dominions were not consulted—and it was a reasonable assumption, I think—from the fact of their knowing both these were going on and they had not been consulted, that to a certain extent they gave their consent.

However, on the general principle I agree that it would be well—and I think it would be only right and in harmony with the spirit now prevailing—that in future, on matters like this in which there is an interest and a partnership, that they should be consulted; but there is no longer any doubt on that point now, as the Secretary of State has informed us that that will be done, and that, in a way, I think, will probably be one of the most important results of this Conference—that statement by him that in future matters of this character will be submitted for consideration to the Dominions.

Now, as regards the Declaration itself, I have endeavoured to study a good deal of the literature in relation to it, and I agree with those who say that the Declaration of London is an improvement in every sense of the word. Any one who has read the debate referred to by General Botha that took place in the House of Lords, particularly between the Lord Chancellor and Lord Halsbury, must see that on nearly every point, particularly in relation to the International Prize Court, we have gained considerably, and it is an advance on every point. A great deal of the literature in both Houses where it has been debated and in the Press is to a certain extent coloured, and one has to seek opinions and in-