

A copy of the Letters Patent under the Great Seal and the King's Sign-manual by which I was appointed a member of the British Delegation is prefixed to this Report. The appointment of Dominion delegates, though made on the nomination of the Dominion Governments, was made by the King himself, just as in the case of the delegates from Great Britain. The oversea possessions thus represented at Washington were Canada, Australia, New Zealand, India, and South Africa. The last-named Dominion, however, was represented by Mr. Balfour, and not by a representative specially sent from South Africa. It will be noticed that each Washington Treaty is signed twice by Mr. Balfour—once in his general capacity as representing Great Britain or the Empire at large, and again in his special capacity as representing South Africa. It is to be observed that the list of oversea possessions so represented at Washington is not identical with the list of self-governing Dominions. Newfoundland is a self-governing Dominion, but was unrepresented. India, though represented, is not a self-governing Dominion. It would appear difficult, therefore, to base on such a system of representation any conclusion as to the acquisition of a new international status by the self-governing Dominions.

The procedure of the Washington Conference was in itself a clear indication that the Dominions were there not in their own right as quasi-independent States, but merely as constituent portions of an undivided Empire. When any question came to be voted upon for the purpose of ascertaining whether there existed that unanimous consent which was necessary for a treaty, the question was put to the British Delegation as a whole, and was answered "Yes" or "No" by Mr. Balfour as the head and spokesman of that Delegation, and on behalf of the British Empire as a whole. Although in the process of discussion and negotiation the representatives of the Dominions had and exercised the same right of audience as any other delegates, they never voted separately on behalf of their own Dominion on any question. The final decision in every case was that of the British Empire as an indivisible unity.

The position of the Dominions at Washington was essentially different from the position which they occupy at an assembly of the League of Nations. By the special and peculiar organization of that body, self-governing colonies are admitted as members in their own right as if they were independent States. Although by constitutional and international law such colonies are merely constituent portions of the Empire to which they belong, they are entitled by express agreement to be treated, so far as practicable, as if they were independent. But no such principle was recognized at Washington, or exists except for the special purposes of the League of Nations.

Although in its international aspect the British Delegation constituted a single body representing the Empire as an undivided State, it does not follow that in respect of the constitution of that Delegation and the relations of its members towards each other all of those members possessed an equal status or held co-ordinate authority. This, indeed, was not the case. An examination of the Letters Patent will show that a Dominion delegate is appointed to act only in respect of his own Dominion and not in respect of the Empire as a whole. The authority committed to the delegates from Great Britain is not subject to any corresponding limitation. Mr. Balfour, Lord Lee, and Sir Auckland Geddes were appointed *simpliciter* as the King's plenipotentiaries for all the purposes of the Conference. Their authority was general with respect to the whole Empire, and was not limited to Great Britain or to such portions of the Empire as were not separately represented. The British Delegation, therefore, did not consist of seven plenipotentiaries possessed jointly of co-ordinate and general authority. It consisted of three such plenipotentiaries, with whom were associated the four Dominion representatives, each of whom had authority in respect of his own Dominion only. The legal significance of this distinction is, as I understand the matter, that the Dominion delegates were present at Washington for the purpose of being heard and consulted as to all matters there in issue concerning the Empire, and of approving and confirming on behalf of their own Dominions the decisions of the King's general plenipotentiaries, and of testifying such approval and confirmation by signing on behalf of their own Dominions the treaties there negotiated.