

(c) Nationality of Married Women.

Careful consideration was given to the subject of the nationality of married women. All the Members of the Commonwealth represented at the Hague Conference of 1930 ⁷⁾ signed the Nationality Convention ⁸⁾ there concluded, and will, it is assumed, introduce such legislation as may be necessary to give effect to Articles 8—10 of that Convention ⁹⁾. The Conference was satisfied, however, that any proposals for the further modification of the principle of the existing law would fail to secure unanimous agreement. It followed that the Conference was unable to make any recommendation for the substantive amendment of the law on this subject except to the extent stated above.

(d) Commonwealth Tribunal.

The Report of the Conference on the Operation of Dominion Legislation contains the following paragraph (paragraph 125):—

“We felt that our work would not be complete unless we gave some consideration to the question of the establishment of a tribunal as a means of determining differences and disputes between members of the British Commonwealth. We were impressed with the advantages which might accrue from the establishment of such a tribunal. It was clearly impossible in the time at our disposal to do more than collate various suggestions with regard first to the constitution of such a tribunal, and secondly, to the jurisdiction which it might exercise. With regard to the former, the prevailing view was that any such tribunal should take the form of an *ad hoc* body selected from standing panels nominated by the several members of the British Commonwealth. With regard to the latter, there was general agreement that the jurisdiction should be limited to justiciable issues arising between governments. We recommend that the whole subject should be further examined by all the governments.”

This matter was examined by the Conference and they found themselves able to make certain definite recommendations with regard to it.

⁷⁾ Gemeint ist die Conference for the Codification of International Law.

⁸⁾ Convention on Certain Questions Relating to the Conflict of Nationality Laws, vgl. Völkerbundsdrucksache C. 224. M. III. 1930. V. [Conf. C. D. I. 22].

⁹⁾ The text of these Articles is as follows:—

Article 8.

If the national law of the wife causes her to lose her nationality on marriage with a foreigner, this consequence shall be conditional on her acquiring the nationality of the husband.

Article 9.

If the national law of the wife causes her to lose her nationality upon a change in the nationality of her husband occurring during marriage, this consequence shall be conditional on her acquiring her husband's new nationality.

Article 10.

Naturalization of the husband during marriage shall not involve a change in the nationality of the wife except with her consent.

Some machinery for the solution of disputes which may arise between the Members of the British Commonwealth is desirable. Different methods for providing this machinery were explored and it was agreed, in order to avoid too much rigidity, not to recommend the constitution of a permanent court, but to seek a solution along the line of *ad hoc* arbitration proceedings. The Conference thought that this method might be more fruitful than any other in securing the confidence of the Commonwealth.

The next question considered was whether arbitration proceedings should be voluntary or obligatory, in the sense that one party would be under an obligation to submit thereto if the other party wished it. In the absence of general consent to an obligatory system it was decided to recommend the adoption of a voluntary system.

It was agreed that it was advisable to go further, and to make recommendations as to the competence and the composition of an arbitral tribunal, in order to facilitate resort to it, by providing for the machinery whereby a tribunal could, in any given case, be brought into existence.

As to the competence of the tribunal, no doubt was entertained that this should be limited to differences between governments. The Conference was also of opinion that the differences should only be such as are justiciable.

As to the composition of the tribunal it was agreed:—

(1) The Tribunal shall be constituted *ad hoc* in the case of each dispute to be settled.

(2) There shall be five members, one being the Chairman; neither the Chairman nor the members of the Tribunal shall be drawn from outside the British Commonwealth of Nations.

(3) The members, other than the Chairman, shall be selected as follows:—

(a) One by each party to the dispute from States Members of the Commonwealth other than the parties to the dispute, being persons who hold or have held high judicial office or are distinguished jurists and whose names will carry weight throughout the Commonwealth.

(b) One by each party to the dispute from any part of the Commonwealth, with complete freedom of choice.

(4) The members so chosen by each party shall select another person as Chairman of the Tribunal as to whom they shall have complete freedom of choice.

(5) If the parties to the dispute so desire, the Tribunal shall be assisted by the admission as assessors of persons with special knowledge and experience in regard to the case to be brought before the Tribunal.

It was thought that the expenses of the tribunal itself in any given case should be borne equally by the parties, but that each party should bear the expense of presenting its own case.

It was felt that details as to which agreement might be necessary might be left for arrangement by the governments concerned.

(e) Merchant Shipping.

The Report of the Conference of 1929 dealt at considerable length (paragraphs 83 to 109) with Merchant Shipping legislation and the following paragraphs of that Report should be referred to here:—

“93. The new position ¹⁰⁾ will be that each Dominion will, amongst its other powers, have full and complete legislative authority over all ships while within its territorial waters or engaged in its coasting trade: and also over its own registered ships both intra-territorially and extra-territorially. Such extra-territorial legislation will, of course, operate subject to local laws while the ship is within another jurisdiction.

“94. The ground is thus cleared for co-operation amongst the members of the British Commonwealth of Nations on an equal basis in those matters in which practical considerations call for concerted action. This concerted action may take the form of agreements, for a term of years, as to the uniformity of laws throughout the British Commonwealth of Nations; as to the reciprocal aid in the enforcement of laws in jurisdictions within the British Commonwealth outside the territory of the enacting Parliament; and as to any limitations to be observed in the exercise of legislative powers.

“Recommendations.”

“95. As shipping is a world-wide interest, in which uniformity is from the nature of the case desirable, there is a strong presumption in favour of concerted action between the members of the British Commonwealth in shipping matters, but this concerted action must from its nature result from voluntary agreements by the members of the Commonwealth; it should be confined to matters in which concerted action is necessary or desirable in the common interest; it should be sufficiently elastic to permit of alterations being made from time to time as experience is gained; and it must not prevent local matters being dealt with in accordance with local conditions. The kind of agreement which we have in mind in making our recommendations is one extending over a fixed period of years and providing for revision from time to time.

“96. It would be difficult, and is not necessary, at the present stage to frame a complete list of the shipping questions on which uniformity is desirable, but certain matters stand out clearly and we submit the following recommendations with regard to them.”

Then followed a statement of the outstanding points on which uniformity was desirable.

¹⁰⁾ *i.e.* the position which will arise after legislation has been enacted on the lines indicated in Section (a) above.

A draft of an agreement covering these points was this year prepared in the United Kingdom and circulated to the Dominions. The Conference examined this draft agreement very closely and came to the conclusion that, with certain alterations, it meets fully and satisfactorily the objects which Part VI of the 1929 Report had in view. The draft agreement as altered is shown in the Annex to Section VI (pages 399 to 406).¹¹⁾

The draft contains, in the form of an agreement which is flexible but as precise as the subject matter will allow, a statement of the matters in which, after examination in two successive years by representatives of the Governments concerned, it is considered that concerted action on a voluntary basis between the parts of the Commonwealth is essential in the common interest, together with the broad principles which should be followed in dealing with those matters. The Conference recommended that the agreement be made.

The agreement presupposes that the legislation contemplated by the 1929 Report has been passed, and that it should come into operation at the same time as that legislation.

It was pointed out that Clause 9 of the draft agreement did not make satisfactory provision for ships whose owners had their principal place of business in one part of the Commonwealth, and traded the ships regularly to and from that part, but, in order to avoid the conditions imposed by the laws of that part, registered the vessels in another part of the Commonwealth to which they did not trade. The Conference agreed that the point was one which required careful consideration. The agreement as originally drafted will enable all safety regulations to be applied to such ships and to some extent the provisions as to ships' articles also. A further clause has been inserted meeting the situation as regards discipline, but it was thought that it would be unwise to attempt to make further alterations in the draft agreement.

Canada reserves the right when signing the agreement to declare the extent, if any, to which the provisions of the agreement, other than those of Part I, shall not apply to ships navigating the Great Lakes of North America.

(f) Defence Questions.

(i) Discipline of the Armed Forces.

In the very short time at the disposal of the Conference, it was impossible to do more than examine some aspects of the practical problems which will be involved in the carrying out of the recommendations contained in paragraph 44 of the Report of the Conference on the Operation of Dominion Legislation.

It is assumed that all Governments will desire to take such action as may be necessary to secure (1) that the military discipline of any of the armed forces of the Commonwealth when present, by consent,

¹¹⁾ dieser Zeitschrift.

within territory of another, rests upon a statutory basis, and (2) that there shall be no period of time during which the legal basis of military discipline could on any ground be impeached.

The method by which the above two objects can best be attained must necessarily be a matter for the Governments themselves.

As the action to be taken to give effect to the recommendations contained in paragraph 44 of the Report of the Conference on the Operation of Dominion Legislation is likely to take some time, it was agreed that all the Governments concerned will take such steps as may be necessary to provide against possible difficulties during that period.

(ii) Prize Law and Procedure.

In the time at the disposal of the Conference it was impossible to examine any questions relating to Prize Law and Procedure, a subject which was mentioned in paragraph 80 of the 1929 Report. This matter, though one of paramount importance in certain contingencies, may happily be regarded as not being of any urgency at the present time. Accordingly, the Conference recommended that it should be the subject of further consideration by the Governments at their leisure, and that in the meantime, pending such consideration, it should be agreed that the *status quo* will be preserved.

(g) Appointment of Governors-General.

The Report of the Inter-Imperial Relations Committee of the Imperial Conference of 1926 declared that the Governor-General of a Dominion is now the "representative of the Crown, holding in all essential respects the same position in relation to the administration of public affairs in the Dominion as is held by His Majesty the King in Great Britain, and that he is not the representative or agent of His Majesty's Government in Great Britain or of any Department of that Government."

The Report did not, however, contain any recommendation as to the procedure to be adopted henceforward in the appointment of a Governor-General, and the Conference felt it necessary to give some consideration to this question.

Having considered the question of the procedure to be observed in the appointment of a Governor-General of a Dominion in the light of the alteration in his position resulting from the Resolutions of the Imperial Conference of 1926, the Conference came to the conclusion that the following statements in regard thereto would seem to flow naturally from the new position of the Governor-General as representative of His Majesty only.

1. The parties interested in the appointment of a Governor-General of a Dominion are His Majesty the King, whose representative he is, and the Dominion concerned.

2. The constitutional practice that His Majesty acts on the advice of responsible Minister applies also in this instance.

3. The Ministers who tender and are responsible for such advice are His Majesty's Ministers in the Dominion concerned.

4. The Ministers concerned tender their formal advice after informal consultation with His Majesty.

5. The channel of communication between His Majesty and the Government of any Dominion is a matter solely concerning His Majesty and such Government. His Majesty's Government in the United Kingdom have expressed their willingness to continue to act in relation to any of His Majesty's Governments in any manner in which that Government may desire.

6. The manner in which the instrument containing the Governor-General's appointment should reflect the principles set forth above is a matter in regard to which His Majesty is advised by His Ministers in the Dominion concerned.

(h) The System of Communication and Consultation in Relation to Foreign Affairs.

Previous Imperial Conferences have made a number of recommendations with regard to the communication of information and the system of consultation in relation to treaty negotiations and the conduct of foreign affairs generally. The main points can be summarised as follows:—

(1) Any of His Majesty's Governments conducting negotiations should inform the other Governments of His Majesty in case they should be interested and give them the opportunity of expressing their views, if they think that their interests may be affected.

(2) Any of His Majesty's Governments on receiving such information should, if it desires to express any views, do so with reasonable promptitude.

(3) None of His Majesty's Governments can take any steps which might involve the other Governments of His Majesty in any active obligations without their definite assent.

The Conference desired to emphasise the importance of ensuring the effective operation of these arrangements. As regards the first two points, they made the following observations:—

(i) The first point, namely, that of informing other Governments of negotiations, is of special importance in relation to treaty negotiations in order that any Government which feels that it is likely to be interested in negotiations conducted by another Government may have the earliest possible opportunity of expressing its views. The application of this is not, however, confined to treaty negotiations. It cannot be doubted that the fullest possible interchange of information between His Majesty's Governments in relation to all aspects of foreign affairs is of the greatest value to all the Governments concerned.

In considering this aspect of the matter, the Conference have taken note of the development since the Imperial Conference of 1926 of the system of appointment of diplomatic representatives of His Majesty representing in foreign countries the interests of different Members of the British Commonwealth. They feel that such appointments furnish a most valuable opportunity for the interchange of information, not only between the representatives themselves but also between the respective Governments.

Attention is also drawn to the resolution quoted in Section VI of the Report of the Inter-Imperial Relations Committee of the Imperial Conference of 1926, with regard to the development of a system to supplement the present system of inter-communication through the official channel with reference not only to foreign affairs but to all matters of common concern. The Conference have heard with interest the account which was given of the liaison system adopted by His Majesty's Government in the Commonwealth of Australia, and recognised its value. Their attention has also been called to the action taken by His Majesty's Government in the United Kingdom in the appointment of representatives in Canada and the Union of South Africa. They are impressed with the desirability of continuing to develop the system of personal contact between His Majesty's Governments, though, of course, they recognise that the precise arrangements to be adopted for securing this development are matters for the consideration of the individual Governments with a view to securing a system which shall be appropriate to the particular circumstances of each Government.

(ii) As regards the second point, namely, that any of His Majesty's Governments desiring to express any views should express them with reasonable promptitude, it is clear that a negotiating Government cannot fail to be embarrassed in the conduct of negotiations if the observations of other Governments who consider that their interests may be affected are not received at the earliest possible stage in the negotiations. In the absence of comment the negotiating Government should, as indicated in the Report of the 1926 Conference, be entitled to assume that no objection will be raised to its proposed policy.

(i) The Channel of Communication between Dominion Governments and Foreign Governments.

At the Imperial Conference of 1926 it was agreed that, in cases other than those where Dominion Ministers were accredited to the Heads of foreign States, it was very desirable that the existing diplomatic channels should continue to be used, as between the Dominion Governments and foreign Governments, in matters of general and political concern.

While the Conference did not wish to suggest any variation in this practice, they felt that it was of great importance to secure that the machinery of diplomatic communication should be of a sufficiently elastic and flexible character. They appreciated that cases might

arise in which, for reasons of urgency, one of His Majesty's Governments in the Dominions might consider it desirable to communicate direct with one of His Majesty's Ambassadors or Ministers appointed on the advice of His Majesty's Government in the United Kingdom on a matter falling within the category mentioned. In such cases they recommended that the procedure just described should followed. It would be understood that the communication sent to the Ambassador or Minister would indicate to him that, if practicable, he should, before taking any action, await a telegram from His Majesty's Government in the United Kingdom, with whom the Dominion Government concerned would simultaneously communicate.

As regards subjects not falling within the category of matters of general and political concern, the Conference felt that it would be to the general advantage if communications passed direct between His Majesty's Governments in the Dominions and the Ambassador or Minister concerned. It was thought that it would be of practical convenience to define, as far as possible, the matters falling within this arrangement; the definition would include such matters as, for example, the negotiation of commercial arrangements affecting exclusively a Dominion Government and a foreign Power, complimentary messages, invitations to non-political conferences and requests for information of a technical or scientific character. If it appeared hereafter that the definition were not sufficiently exhaustive it could of course be added to at any time.

In making the above recommendations, it was understood that, in matters of the nature described in the preceding paragraph, cases might also arise in which His Majesty's Governments in the Dominions might find it convenient to adopt appropriate channels of communication other than that of diplomatic representatives.

The Conference were informed that His Majesty's Government in the United Kingdom were willing to issue the necessary instructions to the Ambassadors and Ministers concerned to proceed in accordance with the above recommendations.

(7) Status of High Commissioners.

The question of precedence of High Commissioners for the Dominions in London was raised at the Imperial Conference of 1923 by the then Prime Minister of Canada (Mr. Mackenzie King). As a result of the discussion at that Conference and subsequent correspondence with the Prime Minister of the Dominions, a proposal was submitted to, and approved by the King, that the Dominion High Commissioners should be given precedence, on ceremonial occasions, after any members of the United Kingdom or Dominion Cabinets who might be present on any given occasion, but not in any case given a position superior to that accorded by the United Kingdom Table of Precedence to Secretaries of State.

At the present Conference the question was raised whether it

might be possible in any way to improve the status accorded, as a result of the 1923 discussions, to Dominion High Commissioners in London in order to emphasise the importance of their position as the representatives in London of other Governments of His Majesty. The desirability of such action, if it were possible, was generally recognised, more particularly in view of the constitutional position as defined by the Imperial Conference of 1926.

On the other hand, there was obvious difficulty in according to the representatives in London of any of His Majesty's Governments a status which would place them in a position higher than that accorded, not only to His Majesty's principal Ministers in the United Kingdom, but also to the members of the respective Dominion Governments when they were visiting the United Kingdom.

As the result of the discussion, His Majesty's Government in the United Kingdom intimated that they were prepared to recommend to the King that the Dominion High Commissioners should on all ceremonial occasions (other than those when Ministers of the Crown from the respective Dominions were present) rank immediately after Secretaries of State, that is, before all Cabinet Ministers in the United Kingdom, except Secretaries of State and those Ministers who already have higher precedence than Secretaries of State. It had been ascertained that, if such a recommendation were made to the King, His Majesty would be graciously pleased to approve it. As regards the position of the representative of a Dominion in relation to a Minister of the Crown visiting the United Kingdom from that Dominion, the existing position would remain unaltered, that is, normally a Minister of the Crown from a Dominion visiting the United Kingdom would be given precedence immediately before the High Commissioner concerned.

The representatives of the United Kingdom at the Conference expressed the hope that His Majesty's Governments in the Dominions would consider the question of recommending equivalent precedence for any High Commissioner appointed by His Majesty's Government in the United Kingdom in a Dominion.

ANNEX.

Draft Agreement as to British Commonwealth Merchant Shipping.

His Majesty's Governments in the United Kingdom of Great Britain and Northern Ireland, Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, the Irish Free State and Newfoundland, and the Government of India, having considered the report of the Conference on the Operation of Dominion Legislation and Merchant Shipping Legislation, 1929, undertake to propose any necessary legislation and take such other steps as may be required for the purpose of giving full effect to the provisions of the present Agreement with regard to Merchant Shipping.

Part I.—Common Status.

- Part II.—Standards of Safety.
- Part III.—Extra-territorial Operation of Laws.
- Part IV.—Equal Treatment.
- Part V.—Ships' Articles, Internal Discipline, and Engagement and Discharge of Seamen.
- Part VI.—Certificates of Officers.
- Part VII.—Shipping Inquiries.
- Part VIII.—Relief and Repatriation of Seamen; Wages and Effects of deceased Seamen.
- Part IX.—Offences on Board Ship.
- Part X.—General.

Interpretation.

Article 1.—In this agreement, unless the context otherwise requires, the following expression has the meaning hereby assigned to it, that is to say:—

“Part of the Commonwealth” means any Part of the British Commonwealth of Nations the Government of which is a party to this Agreement.

PART I.

Common Status.

Common Qualifications.

Article 2.—(1) No ship shall be registered in any port within the British Commonwealth so as to acquire the status and recognition mentioned in paragraph (2) of this Article unless it is owned wholly by persons of the following description, namely:—

(a) Persons recognised by law throughout the British Commonwealth of Nations as having the status of natural born British subjects;

(b) Persons naturalised by or in pursuance of the law of some Part of the British Commonwealth;

(c) Persons made denizens by letters of denization; and

(d) Bodies corporate established under and subject to the law of some Part of the British Commonwealth and having their principal place of business within the British Commonwealth.

(2) Every ship so owned and duly registered within the British Commonwealth shall possess a common status for all purposes and shall be entitled to the recognition usually accorded to British ships.

Registry.

Article 3.—The laws, regulations, forms and procedure relating to the matters following, that is to say:—

Obligation to Register;

Certificate of Registry;

Transfer and Transmissions;

Mortgages;

Certificates of Mortgage and Sale;
 Name of Ship;
 Registry of Alterations, Registry Anew, and Transfer of Registry;
 Incapacitated Persons;
 Trusts and Equitable Rights;
 Liability of Beneficial Owner;
 Managing Owner;
 Declarations, Inspection of Register and Fees;
 Returns, Evidence, and Forms;
 Forgery and False Declarations;
 Measurement of Ship and Tonnage;

shall be substantially the same throughout the British Commonwealth and so far as possible be based on Part I of the Merchant Shipping Act, 1894.

Article 4.—In order that there may be a complete list of ships registered in all Parts of the British Commonwealth, for statistical purposes, particulars (such as the name of the ship, the registered number, the port to which she belongs, the name of the registered owner, and the tonnage) relating to all ships registered at their ports, will be forwarded by the administration of each Part of the Commonwealth at convenient intervals to the Registrar General of Shipping and Seamen in London. Copies of the complete list shall be forwarded annually to the administration of each Part of the Commonwealth.

National Colours.

Article 5.—It being recognised that the proper national colours for all ships registered in any Part of the Commonwealth shall be such as may be determined by the Government of that Part, each of the Commonwealth undertakes to prohibit under penalty (*a*) the use by ships registered in that Part of any national colours other than those determined for those ships; (*b*) the hoisting on board any ship registered in that Part of colours proper to a ship of war or resembling any of those colours, without proper warrant.

PART II.

Standards of Safety.

Article 6.—While each Part of the Commonwealth will from time to time determine the standards with which its ships shall be required to comply in all matters relating to safety, every endeavour will be made to preserve uniformity and to maintain the standards at present in force.

Article 7.—Each Government which proposes to make an alteration of substance in these standards will give as long notice as practicable to the other Governments of the proposed alteration and the reasons for it.

Article 8.—Subject to the provisions of Part IV, nothing in this Agreement affects the right of each Part to apply to any ship trading

to its ports its regulations regarding the safety of ships, their crews and passengers, except in so far as the ship complies with regulations accepted by the Part as equivalent to its own regulations.

PART III.

Extra-Territorial Operation of Laws.

Article 9.—Save as otherwise specially provided in this Agreement, the laws relating to merchant shipping in force in one Part of the Commonwealth shall not be made to apply with extra-territorial effect to ships registered in another Part unless the consent of that other Part of the Commonwealth has been previously obtained:—

Provided that nothing contained in this Article shall be deemed to restrict the power of each Part of the Commonwealth to regulate the coasting trade, sea fisheries and fishing industry of that Part.

PART IV.

Equal Treatment.

Article 10.—Each Part of the British Commonwealth agrees to grant access to its ports to all ships registered in the British Commonwealth on equal terms and undertakes that no laws or regulations relating to seagoing ships at any time in force in that Part shall apply more favourably to ships registered in that Part, or to the ships of any foreign country, than they apply to any ship registered in any other Part of the Commonwealth.

Article 11.—While each Part of the British Commonwealth may regulate its own coasting trade, it is agreed that any laws or regulations from time to time in force for that purpose shall treat all ships registered in the British Commonwealth in exactly the same manner as ships registered in that Part, and not less favourably in any respect than ships of any foreign country.

Article 12.—Nothing in the present Agreement shall be deemed—

(i) to derogate from the right of every Part of the Commonwealth to impose customs tariff duties on ships built outside that Part; or

(ii) to restrict the right of the Government of each Part of the Commonwealth to give financial assistance to ships registered in that Part or its right to regulate the sea fisheries of that Part.

PART V.

Ship's Articles.

Internal Discipline and Engagement and Discharge of Seamen.

Article 13.—The form and contents of ship's articles if first opened in a Part of the Commonwealth, shall be those prescribed by the law of that Part, and if first opened elsewhere than within the British

Commonwealth, shall be those prescribed by the law of the Part in which the ship is registered.

Article 14.—The powers and duties with respect to discipline on board a ship registered within the British Commonwealth shall, in so far as they are not derived from the ship's articles, be those made and provided by the laws and regulations in force in the Part of the Commonwealth in which the ship is registered.

Provided that if and so long as a ship, registered in one Part of the Commonwealth, is engaged wholly or mainly in the coasting trade of another Part, the powers and duties with respect to such discipline may be those made and provided by the laws and regulations in force in that other Part.

Provided also that in the case of a ship which is trading from a Part of the Commonwealth in which the principal place of business of her owners is situated, and not trading to the Part of the Commonwealth in which she is registered, the powers and duties with respect to such discipline may be those made and provided by the laws and regulations in force in the former Part.

Article 15.—Provision shall be made by law in each Part of the Commonwealth that whenever a seaman or apprentice deserts in that Part from a ship registered in another Part, any Court exercising summary jurisdiction in the Part in which the seaman or apprentice has deserted, and any Justice or Officer of such Court shall, on the application of the master of the ship, aid in apprehending the deserter, and, for that purpose may, on information given on oath, issue a warrant for his apprehension, and on proof of the desertion, order him to be conveyed on board his ship or delivered to the master or mate of his ship, or to the owner of the ship or his agent, to be so conveyed.

PART VI.

Certificates of Officers.

Article 16.—The standards of qualification to be required of applicants for certificates of competency and of service shall so far as possible be equal and alike throughout the British Commonwealth, and shall not be lower than those at present established.

Article 17.—Subject to any special provisions that may be made by any Part of the Commonwealth as to the qualifications to be required of officers on ships engaged in its coasting trade, a valid certificate of competency or service granted by one Part of the Commonwealth will be recognised throughout the British Commonwealth as indicating that the holder is duly qualified accordingly when serving on board any ship registered in that Part.

PART VII.

Shipping Enquiries.

Article 18.—The Government of each Part of the Commonwealth agrees to assist the Governments of the other Parts by providing for

officers to hold preliminary enquiries (including the taking of depositions) into casualties to ships registered in such other Parts.

Article 19.—No Government of any Part of the Commonwealth will cause a formal investigation to be held into a casualty occurring to a ship registered in another Part save at the request or with the consent of the Government of that Part in which the ship is registered.

Provided that this restriction shall not apply when a casualty occurs on or near the coasts of a Part of the Commonwealth or whilst the ship is wholly engaged in the coasting trade of a Part of the Commonwealth.

Article 20.—In all Parts of the Commonwealth the laws and regulations relating to the matters following, namely:—

Constitution of Courts having jurisdiction to hold formal investigations;

Holding of such Courts with the assistance of Assessors;

Classification of Assessors according to their qualifications;

Selection of Assessors according to the nature of the questions to be raised;

Notice of investigation and the service thereof;

Opportunity to be given to any person whose conduct may be impugned of making a defence;

Procedure on the hearing;

Rehearings and Appeals;

shall be, so far as possible, alike, and shall be based upon the provisions relating to formal investigations contained in Part VI of the Merchant Shipping Act, 1894, and the Shipping Casualties and Appeals and Rehearings Rules, 1923, made pursuant thereto.

Provided that

(1) the Administration of that Part of the Commonwealth in which a formal investigation is held shall alone be competent to order a rehearing thereof;

(2) an appeal from a decision of a Court of formal investigation shall lie to a Court in the Part of the Commonwealth in which the formal investigation was held and that Court shall be similar in its constitution and jurisdiction to a Divisional Court of Admiralty in England;

(3) a Court of formal investigation shall be empowered to cancel or suspend a certificate of competency or service granted by the Administration of another Part of the Commonwealth so only as to effect its validity within the jurisdiction of the Part in which the investigation is held, but the Administration by which the certificate was granted may adopt such cancellation or suspension.

Article 21.—Provisions shall be in force in each Part of the Commonwealth similar, so far as possible, to those contained in Part VI of the Merchant Shipping Act, 1894, relating to the special enquiry that may be held when there is reason to believe that any master, mate,

or certificated engineer is from incompetency or misconduct unfit to discharge his duties.

Provided that the power of a Court holding such enquiry to cancel or suspend a certificate of competency or service granted by a Part of the Commonwealth other than that in which the enquiry is held shall be similar to the power of a Court of formal investigation under the last preceding Article.

PART VIII.

Relief and Repatriation of Seamen.

Wages and Effects of Deceased Seamen.

Article 22.—A scheme shall be drawn up to which each Part of the Commonwealth shall give legislative effect, under which provision shall be made:—

(a) for the relief and repatriation of seamen belonging to any Part of the Commonwealth who may be found in distress or left behind in any other Part or in places abroad, and for defraying the expenses;

(b) for payment of the expenses of medical attendance, maintenance, burial and repatriation in case of injury or illness of seamen;

(c) for dealing with the effects and wages of seamen who are left behind or die in a port outside the Part of the Commonwealth to which they belong;

(d) for the recovery from the owner of the ship in proper cases of any expenses incurred by the administration of any Part of the Commonwealth in the matters referred to in paragraphs (a) and (b).

PART IX.

Offences on Board Ship.

Article 23.—Reciprocal arrangements shall be made for conferring jurisdiction on the lines of Section 686 of the Merchant Shipping Act, 1894, with respect to offences committed on board ships registered in any Part of the Commonwealth.

PART X.

General.

Article 24.—The present Agreement shall come into operation on the _____ day of _____, and shall continue in full force for a period of five years and thereafter until the Government of any Part of the Commonwealth gives notice of intention to withdraw therefrom or from any Article thereof. A notice of withdrawal, if sent to the Governments of every other Part of the Commonwealth, shall take effect as regards the Part giving the notice to the extent therein specified at the expiration of twelve months from the

date of its despatch, but shall not otherwise affect the continuance in full force of the present Agreement.

Article 25.—The present Agreement may be varied at any time during the continuance thereof by common accord. Proposals for variation shall be sent by the Government of the Part proposing the variation, to the Government of the United Kingdom, to be circulated to the Governments of the other Parts of the Commonwealth, who will consider the proposals and endeavour to agree upon the acceptance of the variation with or without amendment. If a common accord is reached with respect to any proposed variation the present Agreement shall be varied accordingly.

Article 26.—A conference to consider any matter the subject of of the present Agreement or any other matter relating to Merchant Shipping which the Government of any Part of the Commonwealth considers to be of common interest, may be called at any time at the instance of the Governments of any three Parts of the Commonwealth.

Article 27.—This Agreement shall apply to all territories administered under the authority of the Government of any Part of the Commonwealth and to ships registered there, or in any foreign port of registry, and fulfilling the requirements as to ownership set out in Article 2 (1).

VII.—Arbitration and Disarmament.

In the sphere of foreign affairs, apart from the review of certain special questions of foreign policy, the main task before the Conference was the discussion of the means by which the Members of the British Commonwealth could best co-operate in promoting the policy of disarmament and world peace.

These questions were considered by a Committee under the Chairmanship of the Hon. Maurice Dupré, K.C., M.P., Solicitor General, Canada.

These discussions naturally covered two main fields:

I. Formal measures for the preservation of peace including the improvement of the machinery for the peaceful settlement of international disputes; and

II. Measures for the reduction and limitation of armaments.

(1) *Formal Measures for the Preservation of Peace.*

The Conference noted with pleasure the progress which had been made since the last Imperial Conference in this field and in particular the important steps taken in the conclusion of the Pact of Paris and the acceptance by all Members of the British Commonwealth of the Optional Clause of Article 36 of the Statute of the Permanent Court of International Justice. The Conference, having considered the provisions of the General Act for the Pacific Settlement of International

Disputes, approved the general principles underlying the Act. The representatives of the United Kingdom, Canada, the Commonwealth of Australia, New Zealand, the Irish Free State, and India, intimated that it was proposed to commend the General Act to the appropriate authority with a view to accession on conditions mainly similar to those attached to their respective acceptances of the Optional Clause; in particular the reservation regarding questions which by international law fall within the domestic jurisdiction of the parties would be retained by those Members of the Commonwealth who had adopted it in accepting the Optional Clause, in view of the importance attached by many of His Majesty's Governments to certain matters, such as immigration, which are solely within their domestic jurisdiction. The representatives of the Union of South Africa intimated that His Majesty's Government in the Union were not opposed to the principle of the General Act but that the Act would be further examined by that Government before they could arrive at a final decision, as some time would be required for a study of certain questions involved.

The Conference further considered the proposals which had been made to bring the Covenant of the League of Nations into harmony with the Pact of Paris and reached the conclusion that the principle underlying these proposals is one which should receive the support of all the Governments represented at the Conference.

The Conference also placed on record the view that the amendments to the Covenant which were drafted by the Sub-Committee appointed for this purpose by the First Committee at the Eleventh Assembly of the League of Nations should be recommended to the several Governments for acceptance. The Conference was further of opinion that the entry into force of these amendments should be made dependent upon the entry into force of a General Treaty for the Reduction and Limitation of Armaments.

(2) Measures for the Reduction and Limitation of Armaments.

The Conference desired to record its conviction that the future peace of the world depends upon the early adoption of some general scheme of disarmament by international agreement and that every effort should be made to convoke a General Disarmament Conference at an early date in order that the obligations accepted by all the Members of the League under Article 8 of the Covenant might be honoured without further delay.

The Conference considered the text of the draft of a Disarmament Convention drawn up by the Preparatory Commission and reached the conclusion, as the result of an exchange of views, that the principles underlying the draft Convention should be approved. The Conference was in general further satisfied that the provisions of the draft Convention, with certain proposed amendments, afforded an adequate basis for an effective system of disarmament.

The Conference took note of the deposit of ratifications of the

London Naval Treaty, which took place while it was in session, and desired to record its satisfaction at the progress thereby achieved in the sphere of naval disarmament.

VIII.—The Antarctic.

The question of Antarctic exploration was discussed between representatives of the Governments interested. They took note of the fact that, in the exercise of the British title to that part of the Antarctic continent which lies between Enderby Land and the Ross Dependency (with the exception of the territory of Adelie Land), an Expedition organised by His Majesty's Government in the Commonwealth of Australia and led by Sir Douglas Mawson, was despatched to these regions in 1929. The valuable exploratory and scientific work accomplished by this Expedition during the season of 1929—30 was reviewed by the representatives of the Governments concerned, who also discussed the arrangement proposed for the continuation of the work during the season of 1930—31. Sir Douglas Mawson started for his second year's expeditionary voyage during the sittings of the Conference, and the Chairman, on behalf of the Conference, sent to him the following message:—

"On behalf of the Imperial Conference now sitting in London, I send you and your companions in adventure the best wishes of the Conference for a successful voyage and a safe return. God speed you all."

The representatives of the Governments interested expressed their serious concern at the increasing magnitude of whaling operations in the Antarctic, which, they felt, had now reached such proportions that the introduction of restrictive measures was urgently required if the future of the whaling industry was not to be gravely endangered. The representatives of the Governments concerned recognised that there were many difficulties in the way of the adoption of such measures, which could only be introduced by international action, but they felt that these difficulties ought to be faced and that, in the interests of preserving the whaling industry, no opportunity should be lost of urging the imperative necessity of conserving the stock of whales in the Antarctic.

IX.—Defence.

As already mentioned, the great pressure of work in connection with Inter-Imperial Relation and Economic questions rendered it impossible to arrange any plenary discussions on Imperial Defence.

At an early stage of the Conference, however, arrangements were made for the Chiefs of Staff of the three Services in the United Kingdom and representatives of the Services of the Dominions and India to meet together and discuss matters of common interest. The existing arrangements for consultation and co-operation (including questions of general defence such as the supply of war material and the co-ordi-

nation of defensive arrangements as well as the staff arrangements of the respective services), which have grown up as the result of past Imperial Conferences, were reviewed, and, where necessary, recommendations were submitted for their improvement in matters of detail.

In addition, meetings took place at the Admiralty, War Office and Air Ministry at which questions of naval, military and air defence respectively were examined from a more technical point of view.

Naval Base at Singapore.

As a result of discussion between representatives of the United Kingdom, the Commonwealth of Australia and New Zealand, it was recommended that the present policy of the ultimate establishment of a defended naval base at Singapore should be maintained and that the Jackson contract should be continued. It was, however, also recommended that, apart from the latter expenditure and such as will be required for the completion of the air base on the scale at present contemplated, the remaining expenditure, *i.e.*, that required for completing the equipment of the docks and for defence works, should be postponed for the next five years, when the matter could be again reviewed in the light of relevant conditions then prevailing.

X.—Proposed Amendment to the Charter of the Imperial War Graves Commission.

Certain proposals for the extension of the powers of the Imperial War Graves Commission under their existing Charters were considered by a Committee under the Chairmanship of Sir Fabian Ware, Vice-Chairman of the Imperial War Graves Commission.

The Committee recommended, and the Conference approved the recommendation, that application should be made for a Supplemental Charter to remove doubts as to the power of the Commission to make superannuation provision for, and pay gratuities to, their officers and servants, and to make certain other arrangements for the general welfare of their officers and servants abroad. It was recommended also that at the same time power should be sought to enable official members of the Commission to appoint deputies to represent them on Committees of the Commission.

The full text of the Committee's report, and of the provisions to be incorporated in the proposed Supplemental Charter, is published with the Appendices ¹²⁾.

¹²⁾ Appendix III in Cmd. 3718. — Vgl. auch oben S. 384 Note 3.