

of their domestic affairs. It was thus inevitable that the colonial Governments should move towards autonomy in the field of external affairs. The most important attribute of a self-governing State is the power to make agreements with other States. One aspect, therefore, of that growth to full nationhood of the members of the British Commonwealth of Nations which received final legislative recognition in the Statute of Westminster of 1931 has been the steady increase in their treaty-making power.

To record only the stages in the growth of autonomy would, however, be to distort the pattern of development and to neglect an essential part of the experience of the British Commonwealth. Of equal importance has been the growth towards a form of unity at a more mature level. Independence in treaty-making has been accompanied by recognition of interdependence, expressed in the arrangements for prior consultation and consideration of the interests of other members. For this reason certain decisions of the Imperial Conferences of 1923, 1926, and 1937 should be noted; these decisions still hold and influence the contemporary practice of members of the British Commonwealth of Nations not only in treaty-making narrowly defined, but in the entire conduct of their international relations.

I. THE GROWTH OF TREATY-MAKING POWER

1. *Commercial Treaties*

So long as the Empire remained a single economic unit it was to be expected that commercial treaties concluded by the United Kingdom should automatically bind the Colonies. Towards the middle of the nineteenth century, however, the commercial interests of the self-governing Colonies were no longer always identical with those of the United Kingdom, and colonial Governments which had achieved freedom to make tariff and fiscal laws found that their legislation was liable to be rendered ineffective if it ran counter to international agreements made by the United Kingdom Government. As the result of their representations, certain colonial Governments secured a measure of independence in the negotiation of commercial treaties affecting their respective countries. Until 1865 their participation was limited to the association in a subordinate and advisory capacity of colonial representatives with representatives of the United Kingdom; in succeeding