

would continue on request to sign agreements on their behalf, it being agreed that the diplomatic service of the United Kingdom was available to members of the Commonwealth who are not separately represented in any foreign country. The technical knowledge and experience of the United Kingdom representatives would, moreover, continue to be made available to the Dominions at their request. The Conference of 1923 emphasized that the established principle should continue to be followed, that mutual consultation should precede the conclusion of a treaty by one member of the Commonwealth where the treaty was likely to affect the interests of other Commonwealth members. These understandings still hold.

Although the practice prevailing after 1890 was to exclude the self-governing Colonies from commercial treaties negotiated by the United Kingdom, the advantage of most-favoured-nation treatment for its goods (often without some of the disadvantages of other Articles of the treaty) could be secured by a Colony which, without adhering to the treaty, accorded reciprocal treatment to the goods of the foreign Power concerned. This was achieved by a device known as the “nevertheless” clause, of which the following is a typical example :—

“Nevertheless, the goods produced or manufactured in any of His Britannic Majesty’s Colonies, Possessions, or Protectorates shall enjoy in Bulgaria complete and unconditional most-favoured-nation treatment so long as such Colony, Possession, or Protectorate shall accord to goods of Bulgarian origin or manufacture treatment as favourable as it gives to the similar produce or manufacture of any other foreign country.”

In 1945, however, the New Zealand Government advised the United Kingdom Government, which had sometimes been embarrassed in negotiation by the obligation to try to include a “nevertheless” clause for the benefit of the Dominions, that it desired the omission of such clauses from future commercial treaties negotiated by the United Kingdom. New Zealand would negotiate for a separate agreement if it were desired to secure similar benefits from the country in question.

The development of treaty-making power therefore fell into four principal phases : replacement of automatic inclusion by the right of separate adherence, the right of separate withdrawal, the right to withdraw from treaties binding by