

3rd Day.]

DECLARATION OF LONDON.

[1 June, 1911.]

Sir EDWARD GREY—*cont.*

Mr. Batchelor would themselves like to have kept quite distinct from their first point, which is really a much broader and more important point—that of consultation not only with regard to the Declaration of London, but with regard to future Conventions of the same kind.

Mr. FISHER: Yes, we separated them.

Sir EDWARD GREY: I would like to deal with that point last, not because I think it the least important, but rather because I think it the most important, and I would like, if I could, to remove what I think are one or two misapprehensions as to the merits of the Declaration, as, if they could be removed in the discussion at an early stage, they would cease to cumber the ground, and would enable us to deal more clearly and effectively with the larger point. I will, therefore, take what I call the smaller points of the merits first.

Of course, it is quite true, as Mr. Batchelor has pointed out, that there are points in which in our own view the Declaration of London might be made better than it is if we could get other Powers to agree to them, but the Declaration of London was the result of a long conference between representatives of the Powers, and represents the utmost agreement that could be obtained, and to reopen points which we discussed at the Conference and on which the provisions of the Declaration represent the utmost amount of agreement that could be obtained would be impracticable now. So that our choice is really between ratifying the Declaration practically as it stands or withdrawing from it altogether. There are one or two points, not of alteration, but of interpretation, such as that of whether "enemy" in the particular case given means "enemy people" or "enemy Government," which we do intend to have cleared up, and the clearing-up of that point—*i.e.*, that enemy means enemy Government and not enemy people—will be made a condition of our ratifying the Declaration; but that is not a case of altering, that is a case of simple interpretation.

Now, I would like to explain why I think there has been so much opposition in this country to the Declaration of London. It proceeded, in the first place, from two entirely separate sources. One was the people, of whom there are a certain number, who consider that we, being the strongest maritime Power, ought to allow no international restrictions whatever upon the use of our fleet in interfering either with enemy vessels or with neutrals in time of war, but ought to be free to make our own rules and to be independent of international rules altogether—that, having the power, we ought to make the rules. At this time of day, however strong our fleet was, considering the sort of solidarity there is in the public opinion of the world compared to what it was generations ago, it would be straining our power to attempt anything of that kind; and, as a matter of fact, we abandoned that position not in the Declaration of London, but in the Declaration of Paris, which was made between fifty and sixty years ago; and one of the sources from which the Declaration of London is attacked consists of the people who have always thought the Declaration of Paris a mistake, and who would like to see it torn up. It is too late to go back upon that. We have agreed that there should be international treaties on these subjects, and it is essential, if we are to be on good terms with other Powers, that we should not refuse to become a party to any international arrangements whatever.

The next source from which opposition comes is that of people who are building their arguments really on a false premise. The premise on which they build their arguments is this: that we have declared certain things to be in our view international law, and that therefore what we have declared to be international law has been hitherto the rule. It has never been the rule for any one else except ourselves; and, as a matter of fact, what this Declaration does is not to alter international law which previously by consent existed, but to introduce for the first time a certain amount of consent into international rules which had never existed before.

Take, for instance, the question of foodstuffs. We might have contended that foodstuffs ought never to be contraband of war, or at most conditional contraband of war; and you might say that that is a rule which we have said is one that ought to be accepted, but it is not one that ever has been accepted.