

1 June, 1911.]

DECLARATION OF LONDON.

[3rd Day.

Sir WILFRID LAURIER : Yes, but now let us apply this general doctrine to the Declaration of London. This is a thing which, in my humble judgment, ought to be left altogether to the responsibility of the Government of the United Kingdom, for this reason : This is a treaty which lays down certain rules of war as to in what manner war is to be carried on by the great Powers of Europe. In my humble judgment if you undertake to be consulted and to lay down a wish that your advice should be pursued as to the manner in which the war is to be carried on, it implies, of necessity, that you should take part in that war. How are you to give advice and insist upon the manner in which war is to be carried on, unless you are prepared to take the responsibility of going into the war ?

Mr. FISHER : Do not we do that in a manner by coming here ?

Sir WILFRID LAURIER : No, we come here to discuss certain questions ; but there are questions which seem to me to be eminently in the domain of the United Kingdom. We may give advice if our advice is sought ; but if your advice is sought, or if you tender it, I do not think the United Kingdom can undertake to carry out this advice unless you are prepared to back that advice with all your strength, and take part in the war and insist upon having the rules carried out according to the manner in which you think the war should be carried out. We have taken the position in Canada that we do not think we are bound to take part in every war, and that our fleet may not be called upon in all cases, and, therefore, for my part, I think it is better under such circumstances to leave the negotiations of these regulations as to the way in which the war is to be carried on to the chief partner of the family, the one who has to bear the burden in part on some occasions, and the whole burden on perhaps other occasions. I say this by way of general observation upon the first proposition which was made by Australia.

Now coming to the Declaration of London itself, there is no such thing at present as international law. International law has simply been the opinion of some eminent men as to what should be the guidance of civilised nations. The first time of having any international law was, I think, in the Declaration of Paris in 1856, which followed the Crimean War, and this Declaration was very limited. Now you propose certain rules which are to be carried out by civilised nations in warfare, and you know exactly where you are. Therefore you have what you never had before—a tribunal which will finally settle the affairs between nation and nation as to the method of carrying on war. That is a step in advance, as I think we are all agreed, and I fully agree with what Mr. Fisher said in this respect. We are all in favour of arbitration, and therefore this is a first step between nations in the direction of arbitration. These rules may not be perfect, and we know, after what has been said by Sir Edward Grey, if he could have had his own way, in some respects these rules would have been different from what they are. We know that we cannot sit at a table—the very table where we are—and agree upon everything, and it is impossible to expect nations to agree upon everything, but there has been an immense step forward, and I think it is, on the whole, a very wise move.

Now, take the Declaration of London as to foodstuffs carried in neutral ships. Up to the present time there has been no law upon this point, except what was the will of the nation who was the belligerent Power. But now you have certain rules. These rules seem to me to be extremely humane, and in the best interests of humanity. The rule as it is laid down is, that foodstuff is not to be contraband of war unless for the purpose of feeding the forces actually engaged in the war. Therefore the broad proposition is gained that foodstuff is not contraband of war unless the belligerent Power can show that it is destined for the forces engaged in the war.

Now this seems to me to be eminently a wise rule, but it is stated, however—and that is a point of controversy—that there shall be a presumption under certain circumstances that these foodstuffs are for the purpose of feeding the forces of the enemy. The presumptions are two or three in number—that the destination is presumed to exist ; that the food is for the purposes of the enemy if the goods are consigned to the enemy authorities—which is quite conceivable—