

1 June, 1911.]

DECLARATION OF LONDON.

[3rd Day.

Dr. FINDLAY—*cont.*

has given very careful thought to it should not merely express concurrence but should state very shortly the reasons which I think amply justify that concurrence.

I had the opportunity of studying this Declaration of London when it reached New Zealand, and having given it the best thought I could, I published there the detailed views which entitled me, I think, to urge upon our Government that it should be adopted. I desire to say that it seems to me that the more critically that Declaration of London is examined, the more fully will it be found that in every part of it it is an advantage to the British nation. I would impress, first of all, that it is at once an immense protection against the chances of war. The ultimate sanction, as a rule, in international law, is war. International differences arise, such as arose in the cases referred to by Sir Edward Grey, when Russia refused to recognise our view with regard to the sinking of those vessels, which might easily result in war. Now these chances of war should be enormously obviated by the protection of an independent and impartial international tribunal upon which there must always be a majority of neutrals, unless in the almost inconceivable case of a very considerable number of nations being at war at the same time; so that, from the point of view of the constitution of your tribunal, the rights of neutrals may fairly look for as complete a protection as justice and impartiality can secure.

Now there has been an immense amount of misconception with regard to the true purpose and function of this Declaration of London. First of all, it makes no change or difference whatever with regard to the rights and powers of a belligerent against another belligerent. Those rights remain as heretofore. When Great Britain is a belligerent against a neutral it seems to me the Declaration is in our favour, because, speaking generally, Great Britain has hitherto imposed upon herself more restrictions in favour of neutrals than any other of the Great Powers. The relaxation which occurs in various of these clauses of that strictness is in our favour when we, as a belligerent, are dealing with neutrals. If we are a neutral dealing with a belligerent, we still have an advantage, because the Declaration imposes upon other belligerents restrictions which we, as a neutral, will be able to take advantage of. So I put it that from either one of those two characters we look at—either Great Britain as a belligerent against a neutral, or Great Britain as a neutral against a belligerent—the Declaration of London confers upon us distinct advantages.

Now the point made by Mr. Batchelor in the matter which is immediately before us is that foodstuffs should be upon the free list. Foodstuffs have never been upon the free list. The British rule and practice heretofore are now contained in the Declaration of London, which substantially expresses what has been the British practice for at least a century. It clarifies the whole position, but what our representatives have done is to procure for us the recognition of the British rule with regard to foodstuffs as conditional contraband. So that upon that point it should be borne in mind we have not receded at all: we have lost nothing, but have gained. You have the further advantage that the Declaration expresses definitely the grounds upon which foodstuffs may become contraband.

I do not want to labour this matter, but only want to say, as far as I have been able to give it close attention, nothing has been lost in either clause 33 or clause 34, but we have secured for ourselves the advantage that by other nations our practice should be recognised. May I point out here that I received last night objections to this Declaration of London based on this clause 33, signed by a very imposing array of admirals, which contained, as it seemed to me, one entire misconception of the spirit and object of clauses 33 and 34. It is put that while Germany or any other Continental nation may have her food supplies delivered at a neutral port and thence transferred by rail, England is in no analogous position, and must necessarily lose by that situation. It seems to me that such a contention is quite untenable. If it be secured to Germany or any other Continental nation that she may have her foodstuffs delivered at a neutral port and thence transferred by rail, surely we may have our food supplies delivered at a neutral port, it may be on the Continent, and transferred by sea