

questions and proposals contemplated by the German memorandum, the latter being the subject of sections 3 *et seq.*

1. The intention of the French Government was not to reply in the name of their allies, but in their own name in agreement with their allies.

Such an agreement is necessary because the German proposal of the 9th February, 1925, is for the conclusion of a pact in which England and other allies would participate. That is why, when acknowledging the receipt of the German memorandum on the 20th February, the French Government informed Germany that they were submitting it to their allies.

From that circumstance has arisen the present exchange of views which will, so the French Government hope, result in establishing that community of views exists between the Allied Governments. The French Government are, moreover, ready to word the text of their note in such a way as to leave no doubt in this respect. They will therefore replace the expression "the French Government and their allies" or the term "the allies" by "the French Government in agreement with their allies."

2. By the words "within the framework of the Treaty of Versailles" the French Government meant to specify that the pact proposed by Germany cannot in any way contradict, infringe or weaken the Treaty of Versailles and represents an offer of complementary guarantees. The points which are defined by the French reply are to be found in embryo in the treaty or in the Covenant of the League of Nations.

3. The object of section II is to state a reservation of general scope concerning the whole of the clauses of the Covenant of the League of Nations and of the Peace Treaty so as to make it clear that the agreements contemplated in the German memorandum must not impair them in any way whatsoever. Especially is this the case with the clauses concerning frontiers and with the special provisions designed to ensure the observance of the treaty.

The reservation thus stated in paragraph 2 is laid down in paragraph 3, with special reference to the clauses which do not directly concern the Allied Powers and thus specially covers Austria and Sleswig.

Taking account of German public opinion and certain susceptibilities, the French reply expressly makes no mention by name of Austria, Poland, &c., as, according to German politicians and diplomats, such mention would have made it impossible for Germany to continue the negotiations.

The French draft note then enters upon a discussion of each of the agreements contemplated in the German memorandum.

It is for this reason that section III, which relates to the project of a Rhineland Pact, contains a passage expressly referring to the conditions of occupation of the Rhineland and the execution of the Rhineland Agreement.

4. The French Government have taken the word "arbitration" in the most general sense, meaning by it an attempt to exclude solutions by force. As to the means of attaining this object, it is only during the negotiations of the eventual agreements that it will be possible to define them.

In all cases the obligatory nature of settlement by peaceful means must be specially affirmed and enshrined.

There is, moreover, no question of encroaching upon the prerogatives of the Council of the League of Nations.

The only condition which appears essential to the French Government is that the pacific solution obtained shall have the character of an obligatory decision.

5. It is necessary to distinguish two cases :—

(1.) Failure to observe the conditions of treaties or agreements, other than treaties of arbitration, existing between the parties. In this case failure to observe the conditions of these treaties or agreements cannot give rise *ipso facto* to coercive action except in virtue of a special provision of the aforesaid treaties and agreements contemplating such action.

(2.) Failure to observe arbitration treaties: the object of these is assuredly, as has been said above, to exclude solutions by force; but if such treaties are not observed it is necessary to recognize that their violation appears to be a possible justification for coercive action appropriate to the nature of the violation.

6. (a.) By "joint and several guarantee" is meant that the guarantee is given by all the signatories who must in principle act together, but that each individual signatory is nevertheless bound to act, even in the case where one or several of the co-signatories default; thus, on the occasion of the violation of Belgian neutrality by Germany in 1914, Austria defaulted, but the other guarantors were bound to act and did not hesitate to honour their signature.

(b.) A distinction must be drawn between a territorial guarantee and a guarantee given to an arbitration treaty. The first applies in case of the violation of a territory and necessarily involves resort to force in defence of that territory.

The guarantee of an arbitration treaty, on the other hand, does not necessarily take that form. It infers any means, diplomatic or other, appropriate to the nature of the violation. We have purposely avoided defining its nature or extent. It goes without saying that in such a case each of the guarantors acts in such measure as he is able.

If, for example, Germany were to violate the Arbitration Treaty with Poland, Great Britain could not be automatically drawn in to a greater extent than is involved, in the first place, by the guarantee which she has given to the Arbitration Treaty under the conditions laid down above, and, in the second place, by her capacity as a member of the League of Nations. In return, France could not be deemed to violate the Rhineland Pact if she should be called upon to help Poland.

This very example demonstrates the necessity of making simultaneous the eventual conclusion of a Rhineland Pact with the conclusion of arbitration treaties between Germany and the neighbouring Allied States, as indeed Germany herself proposes.