

1928.
NEW ZEALAND.

UNITED STATES PROPOSAL FOR THE RENUNCIATION OF WAR

(CORRESPONDENCE RESPECTING THE).

Presented to both Houses of the General Assembly of New Zealand by Command of His Excellency.

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NOTE.—Nos. 6 and 18 deal specifically with the attitude of His Majesty's Government in New Zealand. Nos. 9 and 19 deal specifically with the attitude of His Majesty's Government in the Commonwealth of Australia. Nos. 11 and 20 deal specifically with the attitude of His Majesty's Government in the Union of South Africa. Nos. 10 and 21 deal specifically with the attitude of the Government of India.

No. 1.

Mr. Houghton to Sir Austen Chamberlain.

SIR,

United States Embassy, London, 13th April, 1928.

As you are aware, there has recently been exchanged between the Governments of France and the United States a series of notes dealing with the question of a possible international renunciation of war. The views of the two Governments have been clearly set forth in the correspondence between the two.

The Government of the United States, as stated in its note of the 27th February, 1928, desires to see the institution of war abolished and stands ready to conclude with the French, British, German, Italian and Japanese Governments a single multilateral treaty, open to subsequent adherence by any and all other Governments, binding the parties thereto not to resort to war with one another.

The Government of the French Republic, while no less eager to promote the cause of world peace and to co-operate with other nations in any practical movement towards that end, has pointed out certain considerations which, in its opinion, must be borne in mind by those Powers which are members of the League of Nations, parties to the Treaties of Locarno, parties to other treaties guaranteeing neutrality. My Government has not conceded that such considerations necessitate any modifications of its proposal for a multilateral treaty and is of the opinion that every nation in the world can, with a proper regard for its own interests, as well as for the interests of the entire family of nations, join in such a treaty. It believes, moreover, that the execution by France, Great Britain, Germany, Italy, Japan and the United States of a treaty solemnly renouncing war in favour of the pacific settlement of international controversies would have tremendous moral effect and ultimately lead to the adherence of all the other countries of the world.

The discussions which have taken place between France and the United States have thus reached a point where it seems essential, if ultimate success is to be attained, that the British, German, Italian and Japanese Governments should each have an opportunity formally to decide to what extent, if any, its existing commitments constitute a bar to its participation with the United States in an unqualified renunciation of war. In these circumstances, the Government of the United States, having reached complete agreement with the Government of the French Republic as to this procedure, has instructed me formally to transmit herewith for the consideration of His Majesty's Government, the text of M. Briand's original proposal of last June, together with copies of the notes subsequently exchanged between France and the United States on the subject of a multilateral treaty for the renunciation of war. I have also been instructed by my Government to transmit herewith for consideration a preliminary draft of a treaty representing in a general way the form of treaty which the Government of the United States is prepared to sign with the French, British, German, Italian and Japanese Governments and any other Government similarly disposed. It will be observed that the language of Articles 1 and 2 of this draft treaty is practically identical with that of the corresponding articles in the treaty which M. Briand proposed to the United States.

The Government of the United States would be pleased to be informed as promptly as may be convenient whether His Majesty's Government is in a position to give favourable consideration to the conclusion of a treaty such as that transmitted herewith, and, if not, what specific modifications in the text thereof would make it acceptable.

I have, &c.,

A. B. HOUGHTON.

Enclosure 1 in No. 1.

[English Translation of M. Briand's Proposal submitted to the Secretary of State of the United States in June, 1927.]

Draft of Pact of Perpetual Friendship between France and the United States.

THE President of the French Republic and the President of the United States of America,

Equally desirous of affirming the solidarity of the French people and the people of the United States of America in their wish for peace and in their renunciation of a recourse to arms as an instrument of their policy towards each other,

And having come to an agreement to consecrate in a solemn act these sentiments, as much in accord with the progress of modern democracies as with the mutual friendship and esteem of two nations that no war has ever divided, and which the defence of liberty and justice has always drawn closer,

Have to this end designated for their plenipotentiaries, to wit,

The President of the French Republic :

The President of the United States of America :

who, after having exchanged their powers, recognized in good and due form, have agreed upon the following provisions :—

ARTICLE 1.

The high contracting Powers solemnly declare, in the name of the French people and the people of the United States of America, that they condemn recourse to war, and renounce it respectively as an instrument of their national policy towards each other.

ARTICLE 2.

The settlement or the solution of all disputes or conflicts, of whatever nature or of whatever origin they may be, which may arise between France and the United States of America, shall never be sought by either side except by pacific means.

ARTICLE 3.

The present Act shall be ratified, the ratifications thereof shall be exchanged at as soon as possible, and from that time it shall have full force and value.

In witness whereof the above-named plenipotentiaries have signed the present Act and have thereunto set their seal.

Done at Paris in two copies (each drawn up both in French and English and having equal force) the 1927.

Enclosure 2 in No. 1.

Notes exchanged between the Secretary of State of the United States and the French Ambassador in Washington.

(I.)

The SECRETARY OF STATE to the AMBASSADOR OF THE FRENCH REPUBLIC.

EXCELLENCY,

28th December, 1927.

I have the honour to refer to the form of treaty entitled "Draft of Pact of Perpetual Friendship between France and the United States," which His Excellency, the Minister for Foreign Affairs, was good enough to transmit to me informally last June through the instrumentality of the American Ambassador at Paris.

This draft treaty proposes that the two Powers should solemnly declare in the name of their respective peoples that they condemn recourse to war, renounce it as an instrument of their national policy towards each other, and agree that a settlement of disputes arising between them, of whatsoever nature or origin they may be, shall never be sought by either party except through pacific means. I have given the most careful consideration to this proposal and take this occasion warmly to reciprocate on behalf of the American people the lofty sentiments of friendship which inspired the French people through His Excellency, M. Briand, to suggest the proposed treaty.

The Government of the United States welcomes every opportunity for joining with the other Governments of the world in condemning war and pledging anew its faith in arbitration. It is firmly of the opinion that every international indorsement of arbitration and every treaty repudiating the idea of a resort to arms for the settlement of justiciable disputes materially advances the cause of world peace. My views on this subject find a concrete expression in the form of arbitration treaty which I have proposed in my note to you of the 28th December, 1927, to take the place of the Arbitration Convention of 1908. The proposed treaty extends the scope of that convention and records the unmistakable determination of the two Governments to prevent any breach in the friendly relations which have subsisted between them for so long a period.

In view of the traditional friendship between France and the United States—a friendship which happily is not dependent upon the existence of any formal engagement—and in view of the common desire of the two nations never to resort to arms in the settlement of such controversies as may possibly arise between them, which is recorded in the draft arbitration treaty just referred to, it has occurred to me that the two Governments, instead of contenting themselves with a bilateral declaration of the nature suggested by M. Briand, might make a more signal contribution to world peace by joining in an effort to obtain the adherence of all the principal Powers of the world to a declaration renouncing war as an instrument of national policy. Such a declaration, if executed by the principal world Powers, could not but be an impressive example to all the other nations of the world and might conceivably lead such nations to subscribe in their turn to the same instrument, thus perfecting among all the Powers of the world an arrangement heretofore suggested only as between France and the United States.

The Government of the United States is prepared therefore to concert with the Government of France with a view to the conclusion of a treaty among the principal Powers of the world, open to signature by all nations, condemning war and renouncing it as an instrument of national policy in favour of the pacific settlement of international disputes. If the Government of France is willing to join with the Government of the United States in this endeavour, and to enter with the United States and the other principal Powers of the world into an appropriate multilateral treaty, I shall be happy to engage at once in conversations looking to the preparation of a draft treaty following the lines suggested by M. Briand for submission by France and the United States jointly to the other nations of the world.

Accept, &c.,

FRANK B. KELLOGG.

(II.)

On the 5th January, 1928, the French Ambassador transmitted his Government's reply to the American note of the 28th December, 1927, which reads as follows:—

[Translation.]

MR. SECRETARY OF STATE,

5th January, 1928.

By a letter of the 28th December last Your Excellency was kind enough to make known the sentiments of the Government of the United States concerning the suggestion of a treaty proposed by the Government of the Republic in the month of June, 1927, with a view to the condemnation of war and the renunciation thereof as an instrument of national policy between France and the United States.

According to Your Excellency, the two Governments, instead of limiting themselves to a bilateral treaty, would contribute more fully to the peace of the world by uniting their efforts to obtain the adhesion of all the principal Powers of the world to a declaration renouncing war as an instrument of their national policy.

Such a declaration, if it were subscribed to by the principal Powers, could not fail to be an impressive example to all the nations of the world, and might very well lead them to subscribe in their turn to the same pact, thus bringing into effect as among all the nations of the world an arrangement which at first was only suggested as between France and the United States.

The Government of the United States, therefore, would be disposed to join the Government of the Republic with a view to concluding a treaty between the principal Powers of the world which, open to the signature of all nations, would condemn war, would contain a declaration to renounce it as an instrument of national policy, and would substitute therefor the pacific settlement of disputes between nations.

Your Excellency added that, if the Government of the Republic agrees thus to join the Government of the United States and the other principal Powers of the world in an appropriate multilateral treaty, Your Excellency would be happy to undertake immediately conversations leading to the elaboration of a draft inspired by the suggestions of M. Briand and destined to be proposed jointly by France and the United States to the other nations of the world.

The Government of the Republic appreciated sincerely the favourable reception given by the Government of the United States to the proposal of M. Briand. It believes that the procedure suggested by Your Excellency and carried out in a manner agreeable to public opinion and to the popular sentiment of the different nations would appear to be of such nature as to satisfy the views of the French Government. It would be advantageous immediately to sanction the general character of this procedure by affixing the signatures of France and the United States.

I am authorized to inform you that the Government of the Republic is disposed to join with the Government of the United States in proposing for agreement by all nations a treaty to be signed at the present time by France and the United States and under the terms of which the high contracting parties shall renounce all war of aggression, and shall declare that for the settlement of differences of whatever nature which may arise between them they will employ all pacific means. The high contracting parties will engage to bring this treaty to the attention of all States and invite them to adhere.

The Government of the Republic is convinced that the principles thus proclaimed cannot but be received with gratitude by the entire world, and it does not doubt that the efforts of the two Governments to ensure universal adoption will be crowned with full success.

Accept, &c.,

PAUL CLAUDEL.

(III.)

On the 11th January the Secretary of State sent the following note to the French Ambassador :—

EXCELLENCY,

11th January, 1928.

In the reply which your Government was good enough to make to my note of the 28th December, 1927, his Excellency the Minister for Foreign Affairs summarized briefly the proposal presented by the Government of the United States, and stated that it appeared to be of such a nature as to satisfy the views of the French Government. In these circumstances, he added that the Government of the Republic was disposed to join with the Government of the United States in proposing, for acceptance by all nations, a treaty, to be signed at the present time by France and the United States, under the terms of which the high contracting parties should renounce all wars of aggression and should declare that they would employ all peaceful means for the settlement of any differences that might arise between them.

The Government of the United States is deeply gratified that the Government of France has seen its way clear to accept in principle its proposal that, instead of the bilateral pact originally suggested by M. Briand, there be negotiated among the principal powers of the world an equivalent multilateral treaty open to signature by all nations. There can be no doubt that such a multilateral treaty would be a far more effective instrument for the promotion of pacific relations than a mere agreement between France and the United States alone, and if the present efforts of the two Governments achieve ultimate success, they will have made a memorable contribution to the cause of world peace.

While the Government of France and the Government of the United States are now closely in accord so far as the multilateral feature of the proposed treaty is concerned, the language of M. Briand's note of the 5th January, 1928, is in two respects open to an interpretation not in harmony with the idea which the Government of the United States had in mind when it submitted to you the proposition outlined in my note of the 28th December, 1927. In the first place, it appears to be the thought of your Government that the proposed multilateral treaty be signed in the first instance by France and the United States alone and then submitted to the other Powers for their acceptance. In the opinion of the Government of the United States this procedure is open to the objection that a treaty, even though acceptable to France and the United States, might for some reason be unacceptable to one of the other great Powers. In such event the treaty could not come into force, and the present efforts of France and the United States would be rendered abortive. This unhappy result would not necessarily follow a disagreement as to terminology arising prior to the definitive approval by any Government of a proposed form of treaty, since it is by no means unreasonable to suppose that the views of the Governments concerned could be accommodated through informal preliminary discussions and a text devised which would be acceptable to them all. Both France and the United States are too deeply interested

in the success of their endeavours for the advancement of peace to be willing to jeopardize the ultimate accomplishment of their purpose by incurring unnecessary risk of disagreement with the other Powers concerned, and I have no doubt that your Government will be entirely agreeable to joining with the Government of the United States and the Governments of the other Powers concerned for the purpose of reaching a preliminary agreement as to the language to be used in the proposed treaty, thus obviating all danger of confronting the other Powers with a definitive treaty unacceptable to them. As indicated below, the Government of the United States would be pleased if the Government of France would agree that the draft treaty submitted by M. Briand last June should be made the basis of such preliminary discussions.

In the second place, and this point is closely related to what goes before, M. Briand's reply of the 5th January, 1928, in expressing the willingness of the Government of France to join with the Government of the United States in proposing a multilateral treaty for the renunciation of war, apparently contemplates that the scope of such treaty should be limited to wars of aggression. The form of treaty which your Government submitted to me last June, which was the subject of my note of the 28th December, 1927, contained no such qualification or limitation. On the contrary, it provided unequivocally for the renunciation by the high contracting parties of all war as an instrument of national policy, in the following terms:—

“ARTICLE 1.

“The high contracting Powers solemnly declare, in the name of the French people and the people of the United States of America, that they condemn recourse to war and renounce it respectively as an instrument of their national policy towards each other.

“ARTICLE 2.

“The settlement or the solution of all disputes or conflicts, of whatever nature or of whatever origin they may be, which may arise between France and the United States of America, shall never be sought by either side except by pacific means.”

I am not informed of the reasons which have led your Government to suggest this modification of its original proposal, but I earnestly hope that it is of no particular significance and that it is not to be taken as an indication that the Government of France will find itself unable to join with the Government of the United States in proposing, as suggested above, that the original formula submitted by M. Briand, which envisaged the unqualified renunciation of all war as an instrument of national policy, be made the subject of preliminary discussions with the other Great Powers for the purpose of reaching a tentative agreement as to the language to be used in the proposed treaty.

If your Government is agreeable to the plan outlined above and is willing that further discussions of the terms of the proposed multilateral treaty be based upon the original proposal submitted to me by M. Briand last June, I have the honour to suggest that the Government of France join with the Government of the United States in a communication to the British, German, Italian and Japanese Governments transmitting the text of M. Briand's original proposal and copies of the subsequent correspondence between the Governments of France and the United States for their consideration and comment, it being understood, of course, that these preliminary discussions would in no way commit any of the participating Governments pending the conclusion of a definitive treaty.

Accept, &c.,

FRANK B. KELLOGG.

(IV.)

To the foregoing the French Ambassador replied as follows:—

MR. SECRETARY OF STATE,

21st January, 1928.

Your Excellency was pleased to inform me, in your note of the 11th instant, of the consideration suggested to you by my letter of the 5th January in answer to your communication of the 28th December, 1927. My Government has asked me to express to you its satisfaction at the harmonizing, thanks to Your Excellency, of the views of the two Governments concerning the best method of accomplishing a project upon the essential principles of which they apparently are in agreement.

The original French proposal of June, 1927, contemplating an act confined to France and the United States, appeared to the French Government to be both desirable and feasible by reason of the historical relations between the two Republics.

The American Government was only willing, however, to embody the declaration proposed by the French Government in the preamble of the Franco-American Arbitration Convention now in process of renewal, and considered, on the other hand, for reasons of its own which the French Government has not failed to take into account, that it would be opportune to broaden this manifestation against war, and to make it the subject of a separate act in which the other Powers would be invited to participate.

The Government of the Republic was not opposed to this expansion of its original plan, but it could not but realize, and it felt bound to point out, that the new negotiation as proposed would be more complex and likely to meet with various difficulties.

The question as to whether there would be any advantage in having such an instrument, of a multipartite nature, signed, in the first place, by France and the United States, or else first elaborated by certain of the principal Powers of the world, and then presented to all for their signature, is essentially one of procedure.

The Government of the Republic offered a suggestion upon this point because of its desire more speedily and more surely to achieve the result which it seeks in common with the United States. This is tantamount to saying that it is ready to concur in any method which may appear to be the most practicable.

There is, however, a situation of fact to which my Government has requested me to draw your particular attention.

The American Government cannot be unaware of the fact that the great majority of the Powers of the world, and among them most of the principal Powers, are making the organization and strengthening of peace the object of common efforts carried on within the framework of the League of Nations. They are already bound to one another by a Covenant placing them under reciprocal obligations, as well as by agreements, such as those signed at Locarno in October, 1925, or by international conventions relative to guarantees of neutrality, all of which engagements impose upon them duties which they cannot contravene.

In particular, Your Excellency knows that all States members of the League of Nations represented at Geneva in the month of September last adopted, in a joint resolution tending to the condemnation of war, certain principles based on the respect for the reciprocal rights and duties of each. In that resolution the Powers were led to specify that the action to be condemned as an international crime is aggressive war, and that all peaceful means must be employed for the settlement of differences, of any nature whatsoever, which might arise between the several States.

This is a condition of affairs which the United States, while a stranger thereto, cannot decline to take into consideration, just as must any State called upon to take part in the negotiation.

Furthermore, the United States would not in any way be bound thereby to the provisions of the Covenant of the League of Nations. The French proposal of June last, looking to the conclusion of a bilateral compact, had been drawn up in the light of the century-old relations between France and the United States; the French Government still stands ready to negotiate with the American Government on the same conditions and on the same basis. It has never altered its attitude in that respect. But when confronted by the initiative of the United States in proposing a multipartite covenant, it had to take into consideration the relations existing among the various Powers which would be called upon to participate therein. This it has done, with the object of assuring the success of the treaty contemplated by the United States. Its suggestions of the 5th January as to the terms of the multipartite treaty are inspired by the formula which has already gained the unanimous adherence of all of the States members of the League of Nations, and which for that very reason might be accepted by them with regard to the United States, just as it has already been accepted among themselves.

This is the explanation of our proposal of the 5th January.

The Government of the Republic has always, under all circumstances, very clearly and without mental reservation declared its readiness to join in any declaration tending to denounce war as a crime and to set up international sanctions susceptible of preventing or repressing it. There has been no change in its sentiments in that respect; its position remains the same. Your Excellency may, therefore, be assured of its sincere desire to respond to the idea of the American Government, and to second its efforts to the full extent compatible with the situation of fact created by its international obligations. It is this preoccupation which inspired the formula proposed on the 5th January, a formula which does, indeed, seem to be the most apt at this time to assure the accomplishment of the American project. The Government of the Republic accordingly cannot but hope that the American Government will share this view. Subject to these observations, the Government of the Republic would, moreover, very gladly welcome any suggestions offered by the American Government which would make it possible to reconcile an absolute condemnation of war with the engagements and obligations assumed by the several nations and the legitimate concern for their respective security.

Pray accept, &c.,

PAUL CLAUDEL.

(V.)

The SECRETARY OF STATE to the FRENCH AMBASSADOR.

EXCELLENCY,

27th February, 1928.

Our recent discussions of the question whether the United States and France could join in suggesting to the other principal Powers of the world the conclusion of a treaty proscribing war as an instrument of national policy in their mutual relations have been brought by your note of the 21st January, 1928, to a point where it seems necessary, if success is to be achieved, to examine the problem from a practical point of view.

It is evident from our previous correspondence that the Governments of France and the United States are of one mind in their earnest desire to initiate and promote a new international movement for effective world peace, and that they are in agreement as to the essential principles of the procedure to be followed in the accomplishment of their common purpose. As I understand your note of the 21st January, 1928, the only substantial obstacle in the way of the unqualified acceptance by France of the proposals which I submitted in my notes of the 28th December, 1927, and the 11th January, 1928, is your Government's doubt whether, as a member of the League of Nations and a party to the treaties of Locarno and other treaties guaranteeing neutrality, France can agree with the United States and other principal world Powers not to resort to war in their mutual relations, without *ipso facto* violating her present international obligations under those treaties. In Your Excellency's last note this question was suggested for consideration.

Without, of course, undertaking formally to construe the present treaty obligations of France, I desire to point out that, if those obligations can be interpreted so as to permit France to conclude a treaty with the United States such as that offered to me last June by M. Briand, and offered again in your note of the 21st January, 1928, it is not unreasonable to suppose that they can be interpreted with equal justice so as to permit France to join with the United States in offering to conclude an equivalent multilateral treaty with the other principal Powers of the world. The difference between the bilateral and multilateral form of treaty, having for its object the unqualified renunciation of war as an instrument of national policy, seems to me to be one of degree and not of substance. A Government free to conclude such a bilateral treaty should be no less able to become a party to an identical multilateral treaty, since it is hardly to be presumed that members of the League of Nations are in a position to do separately something they cannot do together. I earnestly hope, therefore, that your Government, which admittedly perceives no bar to the conclusion of an unqualified anti-war treaty with the United States alone, will be able to satisfy itself that an equivalent treaty among the principal world Powers would be equally consistent with membership in the League of Nations. If, however, members of the League of Nations cannot, without violating the terms of the Covenant of the League, agree among themselves and with the Government of the United States to renounce war as an instrument of their national policy, it seems idle to discuss either bilateral or multilateral treaties unreservedly renouncing war. I am reluctant to believe, however, that the provisions of the Covenant of the League of Nations really stand in the way of the co-operation of the United States and members of the League of Nations in a common effort to abolish the institution of war. Of no little interest in this connection is the recent adoption of a resolution by the Sixth International Conference of American States expressing, in the name of the American republics, unqualified condemnation of war as an instrument of national policy in their mutual relations. It is significant to note that, of the twenty-one States represented at the Conference, seventeen are members of the League of Nations.

I trust, therefore, that neither France nor any other member of the League of Nations will finally decide that an unequivocal and unqualified renunciation of war as an instrument of national policy either violates the specific obligations imposed by the Covenant or conflicts with the fundamental idea and purpose of the League of Nations. On the contrary, it is not entirely reasonable to conclude that a formal engagement of this character, entered into by all of the principal Powers, and ultimately, I trust, by the entire family of nations, would be a most effective instrument for promoting the great ideal of peace which the League itself has so closely at heart? If, however, such a declaration were accompanied by definitions of the word "aggressor," and by exceptions and qualifications stipulating when nations would be justified in going to war, its effect would be very greatly weakened, and its positive value as a guarantee of peace virtually destroyed. The ideal which inspires the effort so sincerely and so hopefully put forward by your Government and mine is arresting and appealing just because of its purity and simplicity, and I cannot avoid the feeling that, if Governments should publicly acknowledge that they can only deal with this ideal in a technical spirit and must insist upon the adoption of reservations impairing, if not utterly destroying, the true significance of their common endeavours, they would be in effect only recording their impotence, to the keen disappointment of mankind in general.

From the broad standpoint of humanity and civilization all war is an assault upon the stability of human society and should be suppressed in the common interest. The Government of the United States desires to see the institution of war abolished, and stands ready to conclude with the French, British, Italian, German and Japanese Governments a single multilateral treaty, open to subsequent adherence by any and all other Governments, binding the parties thereto not to resort to war with one another. The precise language to be employed in such a treaty is a matter of indifference to the United States, so long as it clearly and unmistakably sets forth the determination of the parties to abolish war among themselves. I therefore renew the suggestion contained in my note of the 11th January, 1928, that the Government of France join with the Government of the United States in transmitting to the British, Italian, German and Japanese Governments, for their consideration and comment, the text of M. Briand's original proposal, together with copies of the subsequent correspondence between France and the United States, as a basis for preliminary discussions looking to the conclusion of an appropriate multilateral treaty proscribing recourse to war.

Accept, &c.,

FRANK B. KELLOGG.

(VI.)

FRENCH AMBASSADOR to SECRETARY OF STATE.

[Translation.]

MR. SECRETARY OF STATE,

26th March, 1928.

In reply to your note of the 27th February last regarding the proposal for a multilateral treaty proscribing war, I have the honour to inform Your Excellency that M. Briand has been pleased to find in the observations which you have submitted for his consideration a new and cordial affirmation of the common inspiration which animates our two Governments equally anxious to co-operate in an international movement toward the effective establishment of peace in the world. Assured of such a solidarity in the pursuit of an identical purpose, M. Briand remains convinced, as does Your Excellency, that a mutually acceptable formula may well result from the exchange of views which has taken place up to now between our two Governments, if on both sides there is a disposition to adhere to those essential realities which must be preserved in this discussion, by subordinating thereto those differences of form to which questions of terminology not affecting the substance of the discussion may upon analysis be reduced.

That is to say, that the French Government at this point of the discussion, when all the aspects of the problem have been examined, proposes to adopt as practical a point of view as possible and to facilitate as far as it can the effort of the American Government in the direction of an immediate decision.

The observations which M. Briand has ventured to offer in support of his last suggestion were inspired by a very sincere desire to facilitate in a practical manner the realization of the proposal for the contemplated multilateral treaty by pointing out the conditions best adapted to bring about the consent thereto of all the Governments whose agreement is necessary. The French wording, therefore, tending to limit to war of aggression the proscription proposed in the form of a multilateral rather than a bilateral treaty, was intended to obviate in so far as the American plan was concerned those serious difficulties which would assuredly be encountered in practice. In order to pay due regard to the international obligations of the signatories, it was not possible, as soon as it became a question of a multilateral treaty, to impart thereto the unconditional character desired by Your Excellency without facing the necessity of obtaining the unanimous adherence of all the existing States, or at least of all the interested States, that is to say, those which by reason of their situation are exposed to the possibility of a conflict with any one of the contracting States. In the relations between the States of the American Continent there are similar difficulties which led the American Government at the Pan-American Conference at Habana to approve a resolution limited to the very terms "war of aggression" which the French Government felt compelled to use in characterizing the renunciation to which it was requested to bind itself by means of a multilateral treaty. To be sure, the same reservation does not appear in another resolution to which Your Excellency referred in your note of the 27th February, but it must be observed that this resolution in itself constituted only a kind of preliminary tending toward a treaty of arbitration with regard to which numerous reservations were formulated.

Your Excellency appears to have been surprised that France should not be able to conclude with all the Powers in the form of a multilateral treaty the same treaty which she offered to conclude separately with the United States in the form of a bilateral treaty. My Government believes that it has explained this point with sufficient clearness in recalling the fact that the project of a treaty of perpetual friendship between France and the United States proposed last June was drafted in such a way as to limit strictly the mutual undertakings which it contained to those relations in law resulting from intercourse between the two signatory States alone. Within such limits an absolutely unconditional agreement might be entered into, since that agreement would not expose the signatories, as would a multilateral treaty, to juridical difficulties resulting from the respective positions of various Powers with regard to one another, and since, furthermore, as regards two countries like France and the United States, morally united as they are by ties of time-honoured friendship, other contractual engagements concluded by one or the other Power could never constitute in fact anything but purely theoretical obstacles.

In order to attain the result which Your Excellency has in view, you have considered it preferable to adhere to the conception of a multilateral treaty, and you have deemed it necessary to insist that even in the multilateral form the proposed treaty should include an unconditional pledge. If Your Excellency really believes that greater chances of success may be found in this formula in spite of the consequences which it involves, especially the necessity of attaining a treaty world-wide in its scope, the French Government would hesitate to discuss longer the question of its adherence to a plan which the American Government originated and for which it is responsible. Without in any way losing sight of its international obligations, both as a member of the League of Nations and as a party to the treaties of Locarno or treaties guaranteeing neutrality, France, for the purpose of finding a common basis for initial negotiations, is wholly disposed, after a new examination of the proposals formulated by Your Excellency, to suggest immediately to the German, British, Italian and Japanese Governments that they join in seeking, in the spirit and in the letter of the last American note, any adjustments which in the last analysis may be forthcoming with respect to the possibility of reconciling previous obligations with the terms of the contemplated new treaty.

The French Government notes at once with satisfaction that while advocating the conclusion among the Governments specifically mentioned of a treaty binding the signatories not to resort to war, the Government of the United States admits the participation in that treaty of all the other Governments of the world. This conception accords with a reservation actually necessary for obtaining a real instrument for the establishment of peace by means of a formal engagement among all Powers among whom political controversies may arise. Such an engagement would in fact involve the risk of exposing the signatories to dangers and misunderstandings unless based upon the complete equality in the application of the treaty among themselves of all the States with respect to other States and not only upon the equality of certain States among them. The treaty contemplated could not operate in respect of one Power which is a party thereto unless the other States exposed to the possibility of grave controversies with that party were also signatories thereof.

At the same time it is clear that in order not to turn an instrument of progress and peace into a means of oppression, if one of the signatory States should fail to keep its word, the other signatories should be released from their engagement with respect to the offending State. On this second point, as on the first, the French Government believes itself fully in accord with the Government of the United States.

My Government likewise gathers from the declarations which Your Excellency was good enough to make to me on the 1st of last March, the assurance that the renunciation of war, thus proclaimed, would not deprive the signatories of the right of legitimate defence. Such an interpretation tends to dissipate apprehensions, and the French Government is happy to note it.

If such is the attitude of the American Government on these three fundamental points, and if it is clearly understood in a general way that the obligations of the new pact should not be substituted for, or prejudiced in any way, previous obligations contained in international instruments such as the

Covenant of the League of Nations, the Locarno agreements or treaties guaranteeing neutrality whose character and scope cannot be modified thereby, then the differences of opinion which have appeared in the course of previous phases of the negotiation have to do more with words than with the reality of the problem facing the two Governments to-day.

Hence, in accordance with the proposal contained in your note of the 11th January, which you kindly renewed in your note of the 27th February, the French Government would be prepared forthwith to join with the Government of the United States in submitting for the consideration of the Governments of Germany, Great Britain, Italy and Japan, the correspondence exchanged between France and the United States since June, 1927, and in proposing at the same time, for the assent of the four Governments, a draft agreement essentially corresponding in purpose to the original proposal of M. Briand, in the multipartite form desired by the United States with the changes of wording made necessary by the new concept; the signatory Powers of such an instrument, while not prejudicing their rights of legitimate defence within the framework of existing treaties, should make a solemn declaration condemning recourse to war as an instrument of national policy, or in other words as a means of carrying out their own spontaneous, independent policy.

They would specifically undertake, among themselves, to refrain from any attack or invasion, and never to seek the settlement of any difference or conflict of whatsoever nature or origin which might arise between them save by pacific means. It would, however, be clearly understood that an obligation could only exist for the signatories in the event that the engagement were contracted by all States, that is to say, that the treaty, open to the accession of all Powers, would only come into force after having received universal acceptance, unless the Powers having signed this treaty or acceded thereto should agree upon its coming into force, despite certain abstentions. Finally, in case one of the contracting Powers should happen to contravene the treaty, the other contracting Powers would be automatically relieved, with respect to that Power, of the obligations contained in the treaty. It is in this form, it would seem, that the negotiation of a plan for a multilateral pact such as conceived by the American Government could be pursued with the greatest chances of success. Your Excellency may be assured, in any case, in the conduct of this negotiation of the most sincere and most complete collaboration of my Government which is always ready to associate itself without ambiguity or reservation, with any solemn and formal undertaking tending to insure, strengthen or extend the effective solidarity of the nations in the cause of peace.

In responding to these ideas, whose happy inspiration cannot be gainsaid, France would feel confident that she was continuing the work to which she has never ceased to apply herself in her foreign policy, and, faithful to her previous international engagements of that nature, that she was contributing nobly as Your Excellency has said, in "promoting the great ideal of peace which the League itself has so closely at heart."

Pray accept, &c.,

CLAUDEL.

Enclosure 3 in No. 1.

Draft for Suggested Treaty.

THE President of the United States of America, the President of the French Republic, His Majesty the King of Great Britain, Ireland and the British Dominions Beyond the Seas, Emperor of India, the President of the German Empire, His Majesty the King of Italy, His Majesty the Emperor of Japan,

Deeply sensible that their high office imposes upon them a solemn duty to promote the welfare of mankind;

Inspired by a common desire not only to perpetuate the peaceful and friendly relations now happily subsisting between their peoples, but also to prevent war among any of the nations of the world;

Desirous by formal act to bear unmistakable witness that they condemn war as an instrument of national policy and renounce it in favour of the pacific settlement of international disputes;

Hopeful that, encouraged by their example, all the other nations of the world will join in this humane endeavour and, by adhering to the present treaty as soon as it comes into force, bring their peoples within the scope of its beneficial provisions, thus uniting the civilized nations of the world in a common renunciation of war as an instrument of their national policy;

Have decided to conclude a treaty, and, for that purpose, have appointed as their respective plenipotentiaries:

The President of the United States of America:

The President of the French Republic:

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas,
Emperor of India:

The President of the German Empire:

His Majesty the King of Italy:

His Majesty the Emperor of Japan:

who, having communicated to one another their full powers, found in good and due form, have agreed upon the following articles :—

ARTICLE 1.

The high contracting parties solemnly declare, in the name of their respective peoples, that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

ARTICLE 2.

The high contracting parties agree that the settlement or solution of all disputes or conflicts, of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

ARTICLE 3.

The present treaty shall be ratified by the high contracting parties named in the preamble in accordance with their respective constitutional requirements, and shall take effect as between them as soon as all their several instruments of ratification shall have been deposited at

This treaty shall, when it has come into effect as prescribed in the preceding paragraph, remain open as long as may be necessary for adherence by all the other Powers of the world. Every instrument evidencing the adherence of a Power shall be deposited at , and the treaty shall, immediately upon such deposit, become effective as between the Power thus adhering and the other Powers parties hereto.

It shall be the duty of the Government of to furnish each Government named in the preamble and every Government subsequently adhering to this treaty, with a certified copy of the treaty and of every instrument of ratification or adherence. It shall also be the duty of the Government of telegraphically to notify such Governments immediately upon the deposit with it of each instrument of ratification or adherence.

In faith whereof the respective plenipotentiaries have signed this treaty in the French and English languages, both texts having equal force, and hereunto affixed their seals.

Done at the day of , in the year of our Lord one thousand nine hundred and twenty-

No. 2.

*Text of Draft Treaty communicated by French Ambassador in London on 20th April, 1928.**

[Translation.]

THE President of the German Empire, the President of the United States of America, the President of the French Republic, His Majesty the King of England, Ireland and the British Dominions, Emperor of India, His Majesty the King of Italy, His Majesty the Emperor of Japan :

Equally desirous not only of perpetuating the happy relations of peace and friendship now existing among their peoples, but also to avoid the danger of war between all other nations in the world ;

Having agreed to consecrate in a solemn act their most formal and most definite resolution to condemn war as an instrument of national policy and to renounce it in favour of a peaceful settlement of international conflicts ;

Expressing, finally, the hope that all the other nations of the world will be willing to join in this humane effort to bring about the association of the civilized peoples in a common renunciation of war as an instrument of national policy ;

Have decided to conclude a treaty, and to that end have designated as their respective plenipotentiaries , who after exchanging their full powers found to be in good and due form have agreed on the following provisions :—

ARTICLE 1.

The high contracting parties, without any intention to infringe upon the exercise of their rights of legitimate self-defence within the framework of existing treaties, particularly when the violation of certain of the provisions of such treaties constitutes a hostile act, solemnly declare that they condemn recourse to war and renounce it as an instrument of national policy, that is to say, as an instrument of individual, spontaneous, and independent political action taken on their own initiative, and not action in respect of which they might become involved through the obligation of a treaty such as the Covenant of the League of Nations, or any other treaty registered with the League of Nations. They undertake on these conditions not to attack or invade one another.

ARTICLE 2.

The settlement or solution of all disputes or conflicts of whatever nature or origin which might arise among the high contracting parties or between any two of them shall never be sought on either side except by pacific methods.

* This draft treaty embodies the points discussed in the Note addressed by the French Government to the United States Government on the 26th March, 1928. (See No. VI in Enclosure 2 in No. 1.)

ARTICLE 3.

In case one of the high contracting parties should contravene this treaty, the other contracting powers would *ipso facto* be released with respect to that party from their obligations under this treaty.

ARTICLE 4.

The provisions of this treaty in no wise affect the rights and obligations of the contracting parties resulting from prior international agreements to which they are parties.

ARTICLE 5.

The present treaty will be offered for the accession of all Powers, and will have no binding force until it has been generally accepted, unless the signatory Powers in accord with those that may accede hereto shall agree to decide that it shall come into effect regardless of certain abstentions.

ARTICLE 6.

The present treaty shall be ratified. The ratifications shall be deposited at ; within three months from the date of the deposit of the ratifications it shall be communicated by the Government of to all the Powers, with an invitation to accede.

The Government of will transmit to each of the signatory Powers and the Powers that have acceded a duly certified copy of the instruments of accession as they are received.

One year after the expiration of the three months' period provided in Article 5, the Government of will send out a statement of the signatories and accessions to all the Powers that have signed or acceded.

In faith whereof the above-named plenipotentiaries have signed the present treaty and affixed their seals.

Done at , in copies, drawn up in French and English, both texts having equal validity, the , 1928.

No. 3.

Note handed by German Government to the United States Ambassador in Berlin on the 27th April, 1928.

[Translation.]

MONSIEUR L'AMBASSADEUR,

Berlin, 27th April, 1928.

In your note of the 13th April and its enclosures Your Excellency was so good as to inform me of the negotiations which have taken place between the Government of the United States and the French Government regarding the conclusion of an international pact for the proscription of war. Your Excellency at the same time inquired whether the German Government would be inclined to conclude such a pact on the lines of the draft prepared by the United States Government or whether they considered necessary any modifications of this draft.

The German Government have given to Your Excellency's inquiry that careful consideration demanded by the special importance of the occasion. In examining the proposal they have also been able to take into consideration the draft treaty which has meanwhile been drawn up by the French Government and communicated to the interested Powers. As a result of this examination I have the honour, in the name of the German Government, to inform Your Excellency as follows:—

The German Government warmly welcome the opening of negotiations for the conclusion of an international pact for the proscription of war. The two important principles which inspired the initiative taken by the French Foreign Minister and the proposal of the Government of the United States which arose therefrom, fully correspond to the principles of German policy. Germany has no higher interest than the exclusion of armed conflicts and the development in international life of principles which will guarantee the peaceful settlement of all differences between nations. The conclusion of a pact such as is now contemplated by the Government of the United States would assuredly bring the nations of the earth an important step nearer to this end.

The desire for peace manifested since the war has already led to the conclusion of certain international agreements. It is therefore necessary for those States who are parties to those agreements to make quite clear what relation the pact now proposed will bear to agreements which are already in force. In your note, Mr. Ambassador, you have referred to the considerations raised in this respect by the French Government in their exchange of views with the Government of the United States. In so far as Germany is concerned the only international agreements which need be considered as liable to be affected by the provisions of the new pact are the Covenant of the League and the Locarno-Rhineland Pact; Germany has not entered into any other international engagements which could be affected by the new proposal. In the view of the German Government the observance of the obligations devolving under the Covenant of the League and the Rhineland Pact must remain immovably fixed. The German Government are, however, convinced that these obligations do not contain anything which could in any way conflict with the obligations foreshadowed in the draft pact of the United States. On the contrary, the German Government consider that the binding obligation not to resort to war as an implement of national policy can only tend to strengthen the basic principles of the League Covenant and the Rhineland Pact.

The German Government assume that a pact of the nature designed by the United States Government would not place in doubt the sovereign right of each individual State to defend itself. It is self-evident that if one State breaks the pact the other contracting parties recover liberty of action as against that State. A State, therefore, which is affected by the violation of the pact on the part of another State is not prevented from using armed force to protect itself against the disturber of the peace. The German Government do not, however, consider it necessary in a pact of this nature to make express provision for the event of its violation.

In agreement with the Government of the United States and with the French Government, the German Government are of opinion that the ultimate aim should be to render the new pact universally applicable. The draft prepared by the United States Government could leave open a door whereby this universal applicability could be secured. When the States primarily regarded as signatory Powers have concluded the pact, then it can be expected that other States will quickly make use of a right accorded to them without limitation or condition to adhere to the pact.

The German Government are thus able to declare that they are ready to conclude a pact in accordance with the proposal of the United States Government, and for this purpose to participate in the necessary negotiations with the interested Governments. The German Government, however [*sic*], accompany this declaration with the definite expectation that the conclusion of a pact of so wide a scope will not fail to make its influence rapidly felt on the state of international relations. In this way this new guarantee for the preservation of peace must give an effective impulse to the efforts which are being made to introduce general disarmament. Apart from this, however, the renunciation of war must, as a necessary counterpart, create conditions in which existing or future differences between national interests can in a peaceful manner be brought to arbitration.

Please accept, &c.,

STRESEMANN.

No. 4.

Sir Austen Chamberlain to Mr. Houghton.

YOUR EXCELLENCY,

Foreign Office, 19th May, 1928.

Your note of the 13th April, containing the text of a draft treaty for the renunciation of war, together with copies of the correspondence between the United States and French Governments on the subject of this treaty, has been receiving sympathetic consideration at the hands of His Majesty's Government in Great Britain. A note has also been received from the French Government, containing certain suggestions for discussion in connection with the proposed treaty, and the German Government were good enough to send me a copy of the reply which has been made by them to the proposals of the United States Government.

2. The suggestion for the conclusion of a treaty for the renunciation of war as an instrument of national policy has evoked widespread interest in this country, and His Majesty's Government will support the movement to the utmost of their power.

3. After making a careful study of the text contained in Your Excellency's note and of the amended text suggested in the French note, His Majesty's Government feel convinced that there is no serious divergence between the effect of these two drafts. This impression is confirmed by a study of the text of the speech by the Secretary of State of the United States to which Your Excellency drew my attention, and which he delivered before the American Society of International Law on the 28th April. The aim of the United States Government, as I understand it, is to embody in a treaty a broad statement of principle, to proclaim without restriction or qualification that war shall not be used as an instrument of policy. With this aim His Majesty's Government are wholly in accord. The French proposals, equally imbued with the same purpose, have merely added an indication of certain exceptional circumstances in which the violation of that principle by one party may oblige the others to take action seeming at first sight to be inconsistent with the terms of the proposed pact. His Majesty's Government appreciate the scruples which have prompted these suggestions by the French Government. The exact fulfilment of treaty engagements is a matter which affects the national honour; precision as to the scope of such engagements is, therefore, of importance. Each of the suggestions made by the French Government has been carefully considered from this point of view.

4. After studying the wording of Article 1 of the United States draft, His Majesty's Government do not think that its terms exclude action which a State may be forced to take in self-defence. Mr. Kellogg has made it clear in the speech to which I have referred above that he regards the right of self-defence as inalienable, and His Majesty's Government are disposed to think that on this question no addition to the text is necessary.

5. As regards the text of Article 2, no appreciable difference is found between the American and the French proposals. His Majesty's Government are, therefore, content to accept the former if, as they understand to be the case, a dispute "among the high contracting parties" is a phrase wide enough to cover a dispute between any two of them.

6. The French note suggests the addition of an article providing that violation of the treaty by one of the parties should release the remainder from their obligations under the treaty towards that party. His Majesty's Government are not satisfied that, if the treaty stood alone, the addition of some such provision would not be necessary. Mr. Kellogg's speech, however, shows that he put forward for acceptance the text of the proposed treaty upon the understanding that violation of the undertaking by one party would free the remaining parties from the obligation to observe its terms in respect of the treaty-breaking State.

7. If it is agreed that this is the principle which will apply in the case of this particular treaty, His Majesty's Government are satisfied and will not ask for the insertion of any amendment. Means can no doubt be found without difficulty of placing this understanding on record in some appropriate manner so that it may have equal value with the terms of the treaty itself.

8. The point is one of importance because of its bearing on the treaty engagements by which His Majesty's Government are already bound. The preservation of peace has been the chief concern of His Majesty's Government and the prime object of all their endeavours. It is the reason why they have given ungrudging support to the League of Nations and why they have undertaken the burden of the guarantee embodied in the Locarno Treaty. The sole object of all these engagements is the elimination of war as an instrument of national policy, just as it is the purpose of the peace pact now proposed. It is because the object of both is the same that there is no real antagonism between the treaty engagements which His Majesty's Government have already accepted and the pact which is now proposed. The machinery of the Covenant and of the Treaty of Locarno, however, go somewhat further than a renunciation of war as a policy, in that they provide certain sanctions for a breach of their obligations. A clash might thus conceivably arise between the existing treaties and the proposed pact unless it is understood that the obligations of the new engagement will cease to operate in respect of a party which breaks its pledges and adopts hostile measures against one of its co-contractants.

9. For the Government of this country respect for the obligations arising out of the Covenant of the League of Nations and out of the Locarno treaties is fundamental. Our position in this regard is identical with that of the German Government as indicated in their note of the 27th April. His Majesty's Government could not agree to any new treaty which would weaken or undermine these engagements on which the peace of Europe rests. Indeed, public interest in this country in the scrupulous fulfilment of these engagements is so great that His Majesty's Government would for their part prefer to see some such provision as Article 4 of the French draft embodied in the text of the treaty. To this we understand there will be no objection. Mr. Kellogg has made it clear in the speech to which I have drawn attention that he had no intention by the terms of the new treaty of preventing the parties to the Covenant of the League or to the Locarno Treaty from fulfilling their obligations.

10. The language of Article 1, as to the renunciation of war as an instrument of national policy, renders it desirable that I should remind Your Excellency that there are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. His Majesty's Government have been at pains to make it clear in the past that interference with these regions cannot be suffered. Their protection against attack is to the British Empire a measure of self-defence. It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect. The Government of the United States have comparable interests any disregard of which by a foreign Power they have declared that they would regard as an unfriendly act. His Majesty's Government believe, therefore, that in defining their position they are expressing the intention and meaning of the United States Government.

11. As regards the measure of participation in the new treaty before it would come into force, His Majesty's Government agree that it is not necessary to wait until all the nations of the world have signified their willingness to become parties. On the other hand, it would be embarrassing if certain States in Europe with whom the proposed participants are already in close treaty relations were not included among the parties. His Majesty's Government see no reason, however, to doubt that these States will gladly accept its terms. Universality would, in any case, be difficult of attainment, and might even be inconvenient, for there are some States whose Governments have not yet been universally recognized, and some which are scarcely in a position to ensure the maintenance of good order and security within their territories. The conditions for the inclusion of such States among the parties to the new treaty is a question to which further attention may perhaps be devoted with advantage. It is, however, a minor question as compared with the attainment of the more important purpose in view.

12. After this examination of the terms of the proposed treaty and of the points to which it gives rise, Your Excellency will realize that His Majesty's Government find nothing in their existing commitments which prevents their hearty co-operation in this movement for strengthening the foundations of peace. They will gladly co-operate in the conclusion of such a pact as is proposed and are ready to engage with the interested Governments in the negotiations which are necessary for the purpose.

13. Your Excellency will observe that the detailed arguments in the foregoing paragraphs are expressed on behalf of His Majesty's Government in Great Britain. It will, however, be appreciated that the proposed treaty, from its very nature, is not one which concerns His Majesty's Government in Great Britain alone, but is one in which they could not undertake to participate otherwise than jointly and simultaneously with His Majesty's Governments in the Dominions and the Government of India. They have, therefore, been in communication with those Governments, and I am happy to be able to inform Your Excellency that as a result of the communications which have passed it has been ascertained that they are all in cordial agreement with the general principle of the proposed treaty. I feel confident, therefore, that on receipt of an invitation to participate in the conclusion of such a treaty, they, no less than His Majesty's Government in Great Britain, will be prepared to accept the invitation.

I have, &c.,
AUSTEN CHAMBERLAIN.

No. 5.

Mr. Houghton to Sir Austen Chamberlain.

SIR,

United States Embassy, London, 22nd May, 1928.

In the note which you addressed to me on the 19th May, 1928, you were good enough to inform my Government that His Majesty's Government in Great Britain had been in communication with His Majesty's Governments in the Dominions and with the Government of India, and had ascertained that they were all in cordial agreement with the general principle of the multilateral treaty for the renunciation of war which the Government of the United States proposed on the 13th April, 1928. You added that you felt confident, therefore, that His Majesty's Governments in the Dominions and the Government of India were prepared to accept an invitation to participate in the conclusion of such a treaty as that proposed by the Government of the United States.

I have been instructed to state to you that my Government has received this information with the keenest satisfaction. My Government has hoped from the outset of the present negotiations that the Governments of the Dominions and the Government of India would feel disposed to become parties to the suggested anti-war treaty. It is, moreover, most gratifying to the Government of the United States to learn that His Majesty's Governments in the Dominions and the Government of India are so favourably inclined towards the treaty for the renunciation of war which my Government proposed on the 13th April, 1928, as to wish to participate therein individually and as original signatories, and my Government, for its part, is most happy to accede to the suggestion contained in your note to me of the 19th May, 1928.

Accordingly, I have been instructed to extend, through you, to His Majesty's Governments in Australia, New Zealand and South Africa, and to the Government of India, a cordial invitation, in the name of the Government of the United States, to become original parties to the treaty for the renunciation of war which is now under consideration. Pursuant to my instructions, I also have the honour to inform you that the Government of the United States will address, through you, to His Majesty's Governments in Australia, New Zealand and South Africa, and to the Government of India, at the same time and in the same manner as to the other Governments whose participation in the proposed treaty in the first instance is contemplated, any future communications which it may make on the subject of the treaty after it has been acquainted with the views of all the Governments to which its note of the 13th April, 1928, was addressed.

I have, &c.,

A. B. HOUGHTON.

No. 6.

Note to the United States Chargé d'Affaires in London of 30th May, 1928.

SIR,

Foreign Office, 30th May, 1928.

In the note which Mr. Houghton was so good as to address to me on the 22nd May, he extended on behalf of the Government of the United States an invitation to His Majesty's Governments in the Commonwealth of Australia, New Zealand and in the Union of South Africa, as well as to the Government of India, to participate individually and as original signatories in the treaty for the renunciation of war which is now under consideration.

2. I now have the honour to inform you that His Majesty's Government in New Zealand have received with warm appreciation the invitation addressed to New Zealand to become an original party to the treaty proposed by the Government of the United States for the renunciation of war. His Majesty's Government in New Zealand welcome the opportunity, in co-operation with His Majesty's Governments in other parts of the British Empire, of associating themselves with the Government of the United States in this movement to add greater security to the peace of the world, and they will be happy to share in any negotiations leading to the conclusion of the proposed treaty.

I have, &c.,

AUSTEN CHAMBERLAIN.

No. 7.

Note from His Majesty's Government in Canada to the United States Minister in Ottawa of 30th May, 1928.

Office of the Secretary of State for External Affairs, Canada,

SIR,

Ottawa, 30th May, 1928.

I have the honour to acknowledge your note of 22nd May,* extending to His Majesty's Government in Canada in the name of the Government of the United States, an invitation to become one of the original parties to the treaty for the renunciation of war now under consideration.

The Government of Canada is certain that it speaks for the whole Canadian people in welcoming the outcome, in the proposed multilateral pact, of the discussion initiated almost a year ago between

* This note was, *mutatis mutandis*, identical with No. 5.

the Governments of France and of the United States. It is pleased to find that in this attitude it is in accord with all His Majesty's other Governments. The proposals of the United States Government, by their directness and simplicity, afford to the peoples of the world a new and notable opportunity of ensuring lasting peace.

The Dominion of Canada, fortunate in its ties of kinship and allegiance as well as in its historic and neighbourly friendships, and with half a continent as its heritage, is less exposed to the danger of attack or the temptation to aggression than many other lands. Yet the Great War, with its burdens of suffering and of loss, brought home the danger which all countries share, and led Canada to turn with hope to the efforts to build up effective barriers against war which took shape in the League of Nations; it will welcome the present proposals as a manifestation of the same striving for peace.

The question whether the obligations of the Covenant of the League would conflict in any way with the obligations of the proposed pact has been given careful consideration. His Majesty's Government in Canada regards the League, with all its limitations, as an indispensable and continuing agency of international understanding, and would not desire to enter upon any course which would prejudice its effectiveness. It is, however, convinced that there is no conflict either in the letter or in the spirit between the Covenant and the multilateral pact, or between the obligations assumed under each.

The pre-eminent value of the League lies in its positive and preventive action. In bringing together periodically the representatives of fifty States, it builds up barriers against war by developing a spirit of conciliation, an acceptance of publicity in international affairs, a habit of co-operation in common ends, and a permanently available machinery for the adjustment of differences. It is true that the Covenant also contemplates the application of sanctions in the event of a member State going to war, if in so doing it has broken the pledges of the Covenant to seek a peaceful solution of disputes. Canada has always opposed any interpretation of the Covenant which would involve the application of these sanctions automatically or by the decision of other States. It was on the initiative of Canada that the Fourth Assembly, with a single negative vote, accepted the interpretative resolution to which the Secretary of State of the United States recently referred, indicating that it is for the constitutional authorities of each State to determine in what degree it is bound to assure the execution of the obligations of this article by employment of its military forces. The question of sanctions has received further consideration by later Assemblies. It is plain that the full realization of the ideal of joint economic or military pressure upon an outlaw Power, upon which some of the founders of the League set great store, will require either an approach to the universality of the League contemplated when the Covenant was being drawn, or an adjustment of the old rules of neutrality to meet the new conditions of co-operative defence.

In any event, if, as would seem to be the case, the proposed multilateral treaty does not impose any obligation upon a signatory in relation to a State which has not signed the treaty or has broken it, any decision taken to apply sanctions against a member of the League which has made war in violation of its Covenant pledges would not appear to conflict with the obligations of the treaty.

His Majesty's Government in Canada will have pleasure in co-operating in any future negotiations with a view to becoming a signatory to a treaty such as is proposed by the Government of the United States in the invitation which it has extended, and to recommending its acceptance to the Canadian Parliament.

Accept, &c.

W. L. MACKENZIE KING.

No. 8.

Note from His Majesty's Government in the Irish Free State to the United States Minister in Dublin of 30th May, 1928.

EXCELLENCY,

Dublin, 30th May, 1928.

I have the honour to acknowledge the receipt of Your Excellency's note of the 22nd May* referring to the draft treaty for the renunciation of war and extending an invitation from your Government to the Government of the Irish Free State to become one of the original parties to the proposed treaty.

The Government of the Irish Free State warmly welcome action of the United States Government in initiating this further advance towards the maintenance of general peace. They are in cordial agreement with the general principle of the draft treaty, which they confidently hope will ensure peaceful settlement of future international disputes.

Sharing the view expressed by the Secretary of State of the United States in his speech before the American Society of International Law that nothing in the draft treaty is inconsistent with the Covenant of the League of Nations, the Government of the Irish Free State accept unreservedly the invitation of the United States Government to become a party to the treaty jointly with other States similarly invited.

The Government of the Irish Free State will be glad, therefore, to participate in, and to further by every possible means, the negotiations which may be necessary for the conclusion of the pact.

Accept, &c.,

P. MCGILLIGAN.

* This note was, *mutatis mutandis*, identical with No. 5.

No. 9.

Note to the United States Chargé d'Affaires in London of 2nd June, 1928.

SIR,

Foreign Office, 2nd June, 1928.

In the note which Mr. Houghton was so good as to address to me on the 22nd May last, he extended on behalf of the Government of the United States an invitation to His Majesty's Government in the Commonwealth of Australia to participate individually and as an original signatory in the treaty for the renunciation of war which is now under consideration.

2. I now have the honour to inform you that His Majesty's Government in the Commonwealth of Australia have received with appreciation the invitation to participate as an original party in the treaty for the renunciation of war which has been proposed by the Government of the United States of America. His Majesty's Government in the Commonwealth of Australia have carefully and sympathetically examined the draft treaty submitted to them together with the correspondence that has so far been exchanged between the interested Governments. They believe that a treaty such as that proposed would be a further material safeguard to the peace of the world, and they will be happy to co-operate to the fullest extent in its successful conclusion.

I have, &c.,
AUSTEN CHAMBERLAIN.

No. 10.

Note to the United States Chargé d'Affaires in London of 11th June, 1928.

SIR,

Foreign Office, 11th June, 1928.

In the note which Mr. Houghton was so good as to address to me on the 22nd May, he extended, on behalf of the Government of the United States, an invitation to the Government of India to participate individually and as an original signatory in the treaty for the renunciation of war which is now under consideration.

2. I now have the honour to inform you that the Government of India have requested that an expression of their warm thanks may be conveyed to the United States Government for this invitation, which they are happy to accept. I have the honour to add that the Government of India desire to associate themselves with the note which I had the honour to address to Mr. Houghton on the 19th ultimo.

I have, &c.,
AUSTEN CHAMBERLAIN.

No. 11.

Note to the United States Chargé d'Affaires in London of 15th June, 1928.

SIR,

Foreign Office, 15th June, 1928.

With reference to the note which Mr. Houghton was so good as to address to me on the 22nd May conveying an invitation to His Majesty's Government in the Union of South Africa to become an original party to the proposed treaty for the renunciation of war, I have the honour to inform you that the following message has been received by telegraph from General Hertzog, Minister of External Affairs of the Union of South Africa, for communication to you:—

"Through the good offices of His Majesty's Government in the United Kingdom the contents of the note addressed by Your Excellency to His Excellency the British Secretary of State for Foreign Affairs on the 22nd May were duly conveyed to me. On behalf of His Majesty's Government in the Union of South Africa I beg to state that the cordial invitation of the Government of the United States extended to His Majesty's Government in the Union of South Africa to participate individually and as an original signatory in the treaty for the renunciation of war which the United States Government proposed to various Governments on the 13th April last, is highly appreciated and that His Majesty's Government in the Union of South Africa will gladly take part therein, as invited, together with the other Governments whose participation in the proposed treaty was invited in the first instance.

"In expressing their willingness to be a party to the proposed treaty the Government of the Union of South Africa take it for granted:—

- "(a) That it is not intended to deprive any party to the proposed treaty of its natural right of legitimate self-defence;
- "(b) That a violation by any one of the parties of any of the provisions of the proposed treaty will free other parties from obligation to observe its terms in respect of the party committing such violation; and
- "(c) That provision will be made for rendering it quite clear that it is not intended that the Union of South Africa, by becoming a party to the proposed treaty, would be precluded from fulfilling, as a member of the League of Nations, its obligations towards other members thereof under the provisions of the Covenant of the League."

I have, &c.,
(For the Secretary of State),
R. L. CRAIGIE.

No. 12.

Mr. Atherton to Sir Austen Chamberlain.

SIR,

United States Embassy, London, 23rd June, 1928.

It will be recalled that, pursuant to the understanding reached between the Government of France and the Government of the United States, the American Ambassadors at London, Berlin, Rome and Tokyo transmitted on the 13th April, 1928, to the Governments to which they were respectively accredited the text of M. Briand's original proposal of the 20th June, 1927, together with copies of the notes subsequently exchanged by France and the United States on the subject of a multilateral treaty for the renunciation of war. At the same time the Government of the United States also submitted, for consideration, a preliminary draft of a treaty representing in a general way the form of treaty which it was prepared to sign, and inquired whether the Governments thus addressed were in a position to give favourable consideration thereto. The text of the identic notes of the 13th April, 1928, and a copy of the draft treaty transmitted therewith were also brought to the attention of the Government of France by the American Ambassador at Paris.

It will likewise be recalled that, on the 20th April, 1928, the Government of the French Republic circulated among the other interested Governments, including the Government of the United States, an alternative draft treaty, and that, in an address which he delivered on the 28th April, 1928, before the American Society of International Law, the Secretary of State of the United States explained fully the construction placed by my Government upon the treaty proposed by it, referring as follows to the six major considerations emphasized by France in its alternative draft treaty and prior diplomatic correspondence with my Government :—

1. *Self-defence.*

"There is nothing in the American draft of an anti-war treaty which restricts or impairs in any way the right of self-defence. That right is inherent in every sovereign State and is implicit in every treaty. Every nation is free at all times, and regardless of treaty provisions, to defend its territories from attack or invasion, and it alone is competent to decide whether circumstances require recourse to war in self-defence. If it has a good case, the world will applaud and not condemn its action. Express recognition by treaty of this inalienable right, however, gives rise to the same difficulty encountered in any effort to define aggression. It is the identical question approached from the other side. In this respect, no treaty provision can add to the natural right of self-defence. It is not in the interest of peace that a treaty should stipulate a juristic conception of self-defence, since it is far too easy for the unscrupulous to mould events to accord with an agreed definition."

2. *The League Covenant.*

"The Covenant imposes no affirmative primary obligation to go to war. The obligation, if any, is secondary, and attaches only when deliberately accepted by a State. Article 10 of the Covenant has, for example, been interpreted by a resolution submitted to the Fourth Assembly, but not formally adopted owing to one adverse vote, to mean that: 'It is for the constitutional authorities of each member to decide, in reference to the obligation of preserving the independence and the integrity of the territory of the members, in what degree the member is bound to assure the execution of this obligation by employment of its military forces.'

"There is, in my opinion, no necessary inconsistency between the Covenant and the idea of an unqualified renunciation of war. The Covenant can, it is true, be construed as authorizing war in certain circumstances, but it is an authorization and not a positive requirement."

3. *The Treaties of Locarno.*

"If the parties to the treaties of Locarno are under any positive obligation to go to war, such obligation certainly would not attach until one of the parties has resorted to war in violation of its solemn pledges thereunder. It is therefore obvious that, if all the parties to the Locarno treaties become parties to the multilateral anti-war treaty proposed by the United States, there would be a double assurance that the Locarno treaties would not be violated by recourse to arms. In such an event it would follow that resort to war by any State, in violation of the Locarno treaties, would also be a breach of the multilateral anti-war treaty, and the other parties to the anti-war treaty would thus, as a matter of law, be automatically released from their obligations thereunder and free to fulfil their Locarno commitments. The United States is entirely willing that all parties to the Locarno treaties should become parties to its proposed anti-war treaty, either through signature in the first instance, or by immediate accession to the treaty as soon as it comes into force in the manner provided in Article 3 of the American draft, and it will offer no objection when and if such a suggestion is made."

4. *Treaties of Neutrality.*

"The United States is not informed as to the precise treaties which France has in mind, and cannot, therefore, discuss their provisions. It is not unreasonable to suppose, however, that the relations between France and the States whose neutrality she has guaranteed are sufficiently close and intimate to make it possible for France to persuade such States to adhere seasonably to the anti-war treaty proposed by the United States. If this were done, no party to the anti-war treaty could attack the neutralized States without violating the treaty, and thereby automatically freeing France and the other Powers in respect of the treaty-breaking State from the obligations of the anti-war treaty. If the neutralized States were attacked by a State not a party to the anti-war treaty, the latter treaty would, of course, have no bearing, and France would be as free to act under the treaties guaranteeing neutrality as if she were not a party to the anti-war treaty. It is difficult to conceive, therefore, how treaties guaranteeing neutrality can be regarded as necessarily preventing the conclusion by France or any other Power of a multilateral treaty for the renunciation of war."

5. *Relations with a Treaty-breaking State.*

"As I have already pointed out, there can be no question, as a matter of law, that violation of a multilateral anti-war treaty through resort to war by one party thereto would automatically release the other parties from their obligations to the treaty-breaking States. Any express recognition of this principle of law is wholly unnecessary."

6. *Universality.*

"From the beginning it has been the hope of the United States that its proposed multilateral anti-war treaty should be world-wide in its application, and appropriate provision therefore was made in the draft submitted to the other Governments on the 13th April. From a practical standpoint, it is clearly preferable, however, not to postpone the coming into force of an anti-war treaty until all the nations of the world can agree upon the text of such a treaty and cause it to be ratified. For one reason or another, a State so situated as to be no menace to the peace of the world might obstruct agreement or delay ratification in such manner as to render abortive the efforts of all the other Powers. It is highly improbable, moreover, that a form of treaty acceptable to the British, French, German, Italian and Japanese Governments, as well as to the United States, would not be equally acceptable to most if not all of the other Powers of the world. Even were this not the case, however, the coming into force among the above-named six Powers of an effective anti-war treaty and their observance thereof would be a practical guaranty against a second world war. This in itself would be a tremendous service to humanity, and the United States is not willing to jeopardise the practical success of the proposal which it has made by conditioning the coming into force of the treaty upon prior universal or almost universal acceptance."

The British, German, Italian and Japanese Governments have now replied to my Government's notes of the 13th April, 1928, and the Governments of the British Dominions and of India have likewise replied to the invitations addressed to them on the 22nd May, 1928, by my Government, pursuant to the suggestion conveyed in the note of the 19th May, 1928, from His Majesty's Government in Great Britain. None of these Governments have expressed any dissent from the above-quoted construction, and none has voiced the least disapproval of the principle underlying the proposal of the United States for the promotion of world peace. Neither has any of the replies received by the Government of the United States suggested any specific modification of the text of the draft treaty proposed by it on the 13th April, 1928, and my Government, for its part, remains convinced that no modification of the text of its proposal for a multilateral treaty for the renunciation of war is necessary to safeguard the legitimate interests of any nation. It believes that the right of self-defence is inherent in every sovereign State and implicit in every treaty. No specific reference to that inalienable attribute of sovereignty is therefore necessary or desirable. It is no less evident that resort to war, in violation of the proposed treaty by one of the parties thereto, would release the other parties from their obligations under the treaty towards the belligerent State. This principle is well recognized. So far as the Locarno treaties are concerned, my Government has felt, from the very first, that participation in the anti-war treaty by the Powers which signed the Locarno agreements, either through signature in the first instance or thereafter, would meet every practical requirement of the situation, since, in such event, no State could resort to war in violation of the Locarno treaties without simultaneously violating the anti-war treaty, thus leaving the other parties thereto free so far as the treaty-breaking State is concerned. As you know, the Government of the United States has welcomed the idea that all parties to the treaties of Locarno should be among the original signatories of the proposed treaty for the renunciation of war, and provision therefor has been made in the draft treaty which I have the honour to transmit herewith. The same procedure would cover the treaties guaranteeing neutrality to which the Government of France has referred. Adherence to the proposed treaty by all parties to these other treaties would completely safeguard their rights, since subsequent resort to war by any of them, or by any party to the anti-war treaty, would violate the latter treaty as well as the neutrality treaty, and thus leave the other parties to the anti-war treaty free, so far as the treaty-breaking State is concerned. My Government would be entirely willing, however, to agree that the parties to such neutrality treaties should be original signatories of the multilateral anti-war treaty, and it has no reason to believe that such an arrangement would meet with any objection on the part of the other Governments now concerned in the present negotiations.

While my Government is satisfied that the draft treaty proposed by it on the 13th April, 1928, could be properly accepted by the Powers of the world without change, except for including among the original signatories the British Dominions, India, all parties to the treaties of Locarno, and, it may be, all parties to the neutrality treaties mentioned by the Government of France, it has no desire to delay or complicate the present negotiations by rigidly adhering to the precise phraseology of that draft, particularly since it appears that, by modifying the draft in form, though not in substance, the points raised by other Governments can be satisfactorily met and general agreement upon the text of the treaty to be signed be promptly reached. The Government of the United States has therefore decided to submit to the fourteen other Governments now concerned in these negotiations a revised draft of a multilateral treaty for the renunciation of war. The text of this revised draft is identical with that of the draft proposed by the United States on the 13th April, 1928, except that the preamble now provides that the British Dominions, India, and all parties to the treaties of Locarno are to be included among the Powers called upon to sign the treaty in the first instance, and except that the first three paragraphs of the preamble have been changed to read as follows:—

“Deeply sensible of their solemn duty to promote the welfare of mankind;

“Persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made to the end that the peaceful and friendly relations now existing between their peoples may be perpetuated;

“Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly process, and that any signatory Power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this treaty.”

The revised preamble thus gives express recognition to the principle that, if a State resorts to war in violation of the treaty, the other contracting parties are released from their obligations under the treaty to that State. It also provides for participation in the treaty by all parties to the treaties of Locarno, thus making it certain that resort to war, in violation of the Locarno treaties, would also violate the present treaty and release not only the other signatories of the Locarno treaties but also the other signatories to the anti-war treaty from their obligations to the treaty-breaking State. Moreover, as stated above, my Government would be willing to have included among the original signatories the parties to the neutrality treaties referred to by the Government of the French Republic, although it believes that the interests of those States would be adequately safeguarded if, instead of signing in the first instance, they should choose to adhere to the treaty.

In these circumstances, I have the honour to transmit herewith, for the consideration of His Majesty's Government in Great Britain and Northern Ireland, for the consideration of His Majesty's Governments in the Commonwealth of Australia, New Zealand and the Union of South Africa, as well as for the consideration of the Government of India, a draft of a multilateral treaty for the renunciation of war, containing the changes outlined above. I have been instructed to state in this connexion that the Government of the United States is ready to sign at once a treaty in the form herein proposed, and to express the fervent hope that His Majesty's Government in Great Britain and Northern Ireland, and also His Majesty's Governments in the Commonwealth of Australia, New Zealand and the Union of South Africa, as well as the Government of India, will be able promptly to indicate their readiness to accept without qualification or reservation the form of treaty suggested by the United States.

If the Governments of Australia, Belgium, Canada, Czechoslovakia, France, Germany, Great Britain, India, the Irish Free State, Italy, Japan, New Zealand, Poland, South Africa and the United States can now agree to conclude this anti-war treaty among themselves, my Government is confident that the other nations of the world will, as soon as the treaty comes into force, gladly adhere thereto, and that this simple procedure will bring mankind's age-long aspirations for universal peace nearer to practical fulfilment than ever before in the history of the world.

I have the honour to state, in conclusion, that the Government of the United States would be pleased to be informed, at as early a date as may be convenient, whether His Majesty's Government in Great Britain and Northern Ireland, His Majesty's Governments in the Commonwealth of Australia, New Zealand and the Union of South Africa, as well as the Government of India, are willing to join with the United States and other similarly disposed Governments in signing a definitive treaty for the renunciation of war in the form transmitted herewith.

I have, &c.,

RAY ATHERTON,
Chargé d'Affaires *ad interim*.

Enclosure in No. 12.

Draft of Proposed Treaty.

THE President of the United States of America; the President of the French Republic; His Majesty the King of the Belgians; the President of the Czechoslovak Republic; His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India; the President of the German Reich; His Majesty the King of Italy; His Majesty the Emperor of Japan; the President of the Republic of Poland;

Deeply sensible of their solemn duty to promote the welfare of mankind;

Persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made, to the end that the peaceful and friendly relations now existing between their peoples may be perpetuated;

Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly process, and that any signatory Power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this treaty ;

Hopeful that, encouraged by their example, all the other nations of the world will join in this humane endeavour and, by adhering to the present treaty as soon as it comes into force, bring their people within the scope of its beneficent provisions, thus uniting the civilized nations of the world in a common renunciation of war as an instrument of their national policy ;

Have decided to conclude a treaty and for that purpose have appointed as their respective plenipotentiaries :—

The President of the United States of America :

The President of the French Republic :

His Majesty the King of the Belgians :

The President of the Czechoslovak Republic :

His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas,
Emperor of India ;

For Great Britain and Northern Ireland and all parts of the British Empire which are not separate members of the League of Nations :

For the Dominion of Canada :

For the Commonwealth of Australia :

For the Dominion of New Zealand :

For the Union of South Africa :

For the Irish Free State :

For India :

The President of the German Reich :

His Majesty the King of Italy :

His Majesty the Emperor of Japan :

The President of the Republic of Poland :

Who, having communicated to one another their full powers, found in good and due form, have agreed upon the following articles :—

ARTICLE 1.

The high contracting parties solemnly declare, in the names of their respective peoples, that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

ARTICLE 2.

The high contracting parties agree that the settlement or solution of all disputes or conflicts, of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

ARTICLE 3.

The present treaty shall be ratified by the high contracting parties named in the preamble in accordance with their respective constitutional requirements, and shall take effect as between them as soon as all their several instruments of ratification shall have been deposited at

This treaty shall, when it has come into effect as prescribed in the preceding paragraph, remain open as long as may be necessary for adherence by all the other Powers of the world. Every instrument evidencing the adherence of a Power shall be deposited at , and the treaty shall, immediately upon such deposit, become effective as between the Power thus adhering and the other Powers parties hereto.

It shall be the duty of the Government of to furnish each Government named in the preamble, and every Government subsequently adhering to this treaty, with a certified copy of the treaty, and of every instrument of ratification or adherence. It shall also be the duty of the Government of telegraphically to notify such Governments immediately upon the deposit with it of each instrument of ratification or adherence.

In faith whereof the respective plenipotentiaries have signed this treaty in the French and English languages, both texts having equal force, and hereunto affixed their seals.

Done at the day of in the year of Our Lord one thousand nine hundred and twenty .

No. 13.

Note communicated by the German Government to the United States Ambassador at Berlin on 11th July, 1928.

[Translation.]

MONSIEUR L'AMBASSADEUR,

Berlin, 11th July, 1928.

I acknowledge the receipt of Your Excellency's note of the 23rd June regarding the conclusion of an international treaty to outlaw war, and have the honour, under instructions from the German Government, to make the following reply:—

The German Government have examined with the closest attention the contents of the note and the revised draft of the pact which was annexed thereto. They note with satisfaction that the standpoint of the Government of the United States of America, as set forth therein, corresponds in principle to the German point of view communicated in the note of the 27th April. The German Government also approve the alterations made in the preamble of the draft pact. They are therefore glad to be able to state that they take note of the views of the United States Government as expressed in Your Excellency's note of the 23rd June, that they agree to the interpretation given therein of the terms of the contemplated pact, and that they are accordingly ready to sign this pact in the form now proposed.

I have, &c.,
SCHUBERT.

No. 14.

Note communicated by the French Government to the United States Ambassador at Paris on 14th July, 1928.

[Translation.]

MONSIEUR L'AMBASSADEUR,

Paris, 14th July, 1928.

In your note of the 23rd June last Your Excellency was good enough to transmit a revised text of the draft treaty for the renunciation of war accompanied by the interpretation which the Government of the United States propose to give to that document.

I request you to be so good as to impress the United States Government with what great interest the Government of the Republic has taken cognizance of this fresh communication which is of a character to facilitate signature of a treaty, the successful conclusion of which is the heartfelt wish of the French nation as well as of the American nation.

It follows in the first place from the new preamble that the object of the proposed treaty is to perpetuate pacific and friendly relations within the contractual conditions in which they are today established between the interested nations; that the essential condition is that the signatory Powers renounce war "as an instrument of their national policy"; and that further the signatory Power which shall hereafter seek by a personal resort to war to promote its own interests will be denied the benefits of the treaty.

The Government of the Republic are happy to say that they are in agreement with these new provisions.

The Government of the Republic is happy, furthermore, to take note of the interpretation which the Government of the United States attaches to the new treaty in order to give satisfaction to the various observations which have been formulated on the part of France.

These observations may be summarized as follows:

Nothing in the new treaty either restricts or compromises in any way the right of personal defence. Each nation still remains free in this respect to defend its territory against an attack or an invasion; that the nation alone is competent to decide if circumstances require a recourse to war for its own defence.

In the second place none of the provisions of the new treaty conflict either with the provisions of the Covenant of the League of Nations or with those of the treaties of Locarno or of the treaties of neutrality.

Furthermore any violation of the new treaty by one of the contracting Powers would completely liberate the other contracting Powers from their obligations towards the Power breaking the treaty.

Finally the invitation to sign the treaty which it has already extended to all Powers signatories of the Acts concluded at Locarno and which it is disposed to extend to the Powers parties to the treaties of neutrality, together with the circumstance that it will be open to the other Powers to accede, is of a nature to give to the new treaty in the measure in which this is practically desirable the character of universality, which conforms to the view of the Government of the Republic.

Thanks to precisions which have thus been made in the new preamble, and thanks to the interpretations which have furthermore been given to the treaty, the Government of the Republic is happy to observe that the new Act can be reconciled with the engagements of the existing treaties to which France is also a contracting party and which it is naturally her strict duty fully to respect in all good faith and loyalty.

In these circumstances and conditions the Government of the Republic is perfectly disposed to sign the treaty as proposed in Your Excellency's note of the 23rd June, 1928.

At the moment when the Government of the Republic thus gives assurance of its contribution to the realization of a project which has been long in contemplation and of which it has since the beginning realized the full moral significance, it desires to render homage to the generous spirit with which the Government of the United States has made this new manifestation of human fraternity which conforms fully to the deep aspirations of the French people and of the American people and which responds to the sentiment of international solidarity shared ever more and more amongst nations.

I have, &c.,
BRIAND.

No. 15.

Note from His Majesty's Government in the Irish Free State to the United States Minister in Dublin of 14th July, 1928.

EXCELLENCY,

Dublin, 14th July, 1928.

Your Excellency's note of the 23rd June,* enclosing a revised draft of the proposed treaty for the renunciation of war, has been carefully studied by the Government of the Irish Free State.

As I informed you in my note of the 30th May the Government of the Irish Free State were prepared to accept unreservedly the draft treaty proposed by your Government on the 13th April holding as they did that neither their right of self-defence nor their commitments under the Covenant of the League of Nations were in any way prejudiced by its terms.

The draft treaty as revised is equally acceptable to the Government of the Irish Free State and I have the honour to inform you that they are prepared to sign it in conjunction with such other Governments as may be so disposed. As the effectiveness of the proposed treaty as an instrument for the suppression of war depends to a great extent upon its universal application, the Government of the Irish Free State hope that the treaty may meet with the approbation of the other Governments to which it has been sent and that it may subsequently be accepted by all the other Powers of the world.

Accept, &c.,

P. MCGILLIGAN.

No. 16.

Note from His Majesty's Government in Canada to the United States Minister in Ottawa of 16th July, 1928.

Office of the Secretary of State for External Affairs, Canada,

SIR,

Ottawa, 16th July, 1928.

I desire to acknowledge your note of the 23rd June* and the revised draft which it contained of the treaty for the renunciation of war, and to state that His Majesty's Government in Canada cordially accepts the treaty as revised and is prepared to participate in its signature.

Accept, &c.,

W. L. MACKENZIE KING.

No. 17.

Sir Austen Chamberlain to Mr. Atherton.

SIR,

Foreign Office, 18th July, 1928.

I am happy to be able to inform you that after carefully studying the note which you left with me on the 23rd June, transmitting the revised text of the draft of the proposed treaty for the renunciation of war, His Majesty's Government in Great Britain accept the proposed treaty in the form transmitted by you and will be glad to sign it at such time and place as may be indicated for the purpose by the Government of the United States.

My Government have read with interest the explanations contained in your note as to the meaning of the draft treaty, and also the comments which it contains upon the considerations advanced by other Powers in the previous diplomatic correspondence.

You will remember that in my previous communication of the 19th May I explained how important it was to my Government that the principle should be recognized that if one of the parties to this proposed treaty resorted to war in violation of its terms, the other parties should be released automatically from their obligations towards that party under the treaty. I also pointed out that respect for the obligations arising out of the Covenant of the League of Nations and of the Locarno treaties was the foundation of the policy of the Government of this country, and that they could not agree to any new treaty which would weaken or undermine these engagements.

The stipulation now inserted in the preamble under which any signatory Power hereafter seeking to promote its national interests by resort to war against another signatory is to be denied the benefits furnished by the treaty is satisfactory to my Government, and is sufficient to meet the first point mentioned in the preceding paragraph.

His Majesty's Government in Great Britain do not consider, after mature reflection, that the fulfilment of the obligations which they have undertaken in the Covenant of the League of Nations and in the Treaty of Locarno is precluded by their acceptance of the proposed treaty. They concur in the view enunciated by the German Government in their note of the 27th April that those obligations do not contain anything which could conflict with the treaty proposed by the United States Government.

My Government have noted with peculiar satisfaction that all the parties to the Locarno Treaty are now invited to become original signatories of the new treaty, and that it is clearly the wish of the United States Government that all members of the League should become parties either by signature or accession. In order that as many States as possible may participate in the new movement, I trust that a general invitation will be extended to them to do so.

* This note was, *mutatis mutandis*, identical with No. 12.

As regards the passage in my note of the 19th May relating to certain regions of which the welfare and integrity constitute a special and vital interest for our peace and safety, I need not repeat that His Majesty's Government in Great Britain accept the new treaty upon the understanding that it does not prejudice their freedom of action in this respect.

I am entirely in accord with the views expressed by Mr. Kellogg in his speech of the 28th April that the proposed treaty does not restrict or impair in any way the right of self-defence, as also with his opinion that each State alone is competent to decide when circumstances necessitate recourse to war for that purpose.

In the light of the foregoing explanations, His Majesty's Government in Great Britain are glad to join with the United States and with all other Governments similarly disposed in signing a definitive treaty for the renunciation of war in the form transmitted in your note of the 23rd June. They rejoice to be associated with the Government of the United States of America and the other parties to the proposed treaty in a further and signal advance in the outlawry of war.

I have, &c.,

AUSTEN CHAMBERLAIN.

No. 18.

Note to United States Chargé d'Affaires in London of 18th July, 1928.

SIR,

Foreign Office, 18th July, 1928.

In the note which you were so good as to address to me on the 23rd June last you stated that the Government of the United States would be glad to be informed whether His Majesty's Government in New Zealand were willing to join with the United States and other similarly disposed Governments in signing a definitive treaty for the renunciation of war in the form of the draft treaty enclosed in your note.

2. I now beg leave to inform you that His Majesty's Government in New Zealand desire to associate themselves with the terms of the note which I have had the honour to address to you to-day notifying you of the willingness of His Majesty's Government in Great Britain to sign a multilateral treaty for the renunciation of war as proposed by the Government of the United States. His Majesty's Government in New Zealand desire me to add that they will have the utmost satisfaction, in co-operation with His Majesty's Governments in other parts of the British Empire, in joining with the Government of the United States and with all other Governments similarly disposed in signing a treaty in the form proposed.

I have, &c.,

AUSTEN CHAMBERLAIN.

No. 19.

Note to United States Chargé d'Affaires in London of 18th July, 1928.

SIR,

Foreign Office, 18th July, 1928.

In the note which you were so good as to address to me on the 23rd June last you stated that the Government of the United States would be glad to be informed whether His Majesty's Government in the Commonwealth of Australia were willing to join with the United States and other similarly disposed Governments in signing a definitive treaty for the renunciation of war in the form of the draft treaty enclosed in your note.

2. I now beg leave to inform you that His Majesty's Government in the Commonwealth of Australia have given the most careful consideration to your note above mentioned and to the revised draft treaty which accompanied it, and that they accept the assurance given by the United States Secretary of State that the right of self-defence of a signatory State will not be impaired in any way by acceptance of the proposed treaty.

3. The Commonwealth Government have further observed that it is stated in your note of the 23rd June that the preamble to the revised treaty accords express recognition to the principle that, if one signatory State resorts to war in violation of the treaty, the other signatory States will be released from their obligations under the treaty to that State. They accept this declaration that the preamble in this respect is to be taken as a part of the substantive provisions of the treaty itself.

4. They have also particularly examined the draft treaty from the point of view of its relationship to the Covenant of the League of Nations, and in this connection have come to the conclusion that it is not inconsistent with the latter instrument.

5. His Majesty's Government in the Commonwealth of Australia add that the foregoing are the only questions to which the proposed treaty gives rise in which they are especially interested. As the text of the treaty which has now been submitted is completely satisfactory to them so far as these specific points are concerned, they will be quite agreeable to signing it in its present form.

I have, &c.,

AUSTEN CHAMBERLAIN.

No. 20.

Note to United States Chargé d'Affaires in London of 18th July, 1928.

SIR,

Foreign Office, 18th July, 1928.

In the note which you were so good as to address to me on the 23rd June last you stated that the Government of the United States would be glad to be informed whether His Majesty's Government in the Union of South Africa were willing to join with the United States and other similarly disposed Governments in signing a definitive treaty for the renunciation of war in the form of the draft treaty enclosed in your note.

2. I now beg leave to inform you that the following message has been received by telegraph from General Hertzog, Minister of External Affairs of the Union of South Africa, for communication to you:—

“On behalf of His Majesty's Government in the Union of South Africa I have the honour to inform you that my Government have given their most serious consideration to the new draft treaty for the renunciation of war, submitted in your note of the 23rd June, and to the observations accompanying it.

“My Government note with great satisfaction (a) that it is common cause that the right of legitimate self-defence is not affected by the terms of the new draft; (b) that, according to the preamble, any signatory who shall seek to promote its national interests by resort to war shall forfeit the benefits of the treaty; and (c) that the treaty is open to accession by all Powers of the world.

“My Government have further examined the question whether the provisions of the present draft are inconsistent with the terms of the Covenant of the League of Nations by which they are bound, and have come to the conclusion that this is not the case, and that the objects which the League of Nations was constituted to serve can but be promoted by members of the League of Nations participating in the proposed treaty.

“His Majesty's Government in the Union of South Africa have, therefore, very great pleasure in expressing their willingness to sign, together with all other Powers which might be similarly inclined, the treaty in the form proposed in your note under reference.”

I have, &c.,

AUSTEN CHAMBERLAIN.

No. 21.

Note to United States Chargé d'Affaires in London of 18th July, 1928.

SIR,

Foreign Office, 18th July, 1928.

In the note which you were so good as to address to me on the 23rd June last you stated that the Government of the United States would be glad to be informed whether the Government of India were willing to join with the United States and other similarly disposed Governments in signing a definitive treaty for the renunciation of war in the form of the draft treaty enclosed in your note.

2. I now beg leave to inform you that the Government of India associate themselves wholeheartedly and most gladly with the terms of the note which I have had the honour to address to you to-day notifying you of the willingness of His Majesty's Government in Great Britain to sign a multi-lateral treaty for the renunciation of war as proposed by the Government of the United States.

I have, &c.,

AUSTEN CHAMBERLAIN.

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