

Pamphlet

341.6

British-American Women's Crusade

For the mutual renunciation of war as an instrument
of national policy in favour of the pacific settlement
of all international disputes.

Chairman :
LADY ACLAND

Hon. Treasurer :
MRS. PETHICK LAWRENCE

Hon. Secretary :
MISS K. D. COURTNEY

Organising Secretary :
MISS C. M. GORDON, 55 GOWER STREET, W.C.1.

THE PEACE PACT

HISTORICAL SUMMARY

Speakers' Notes, 3rd Edition

CO-OPERATING SOCIETIES :

Adult Schools, Women's Section; British Commonwealth League; British Federation of Youth; British Women's Temperance Association, Scottish Christian Union; British Women's Total Abstinence Union; Congregational Union of England and Wales, Women's Guild; Ethical Union, Women's Group; Fellowship of Reconciliation; Free Church Women's Council; Jewish Religious Union; League of the Church Militant; League of Nations Union; L.C.C. Women Teachers' Union; London Congregational Union, Women's League; National Council of Women; National Council for the Prevention of War; National Sisterhood Movement; National Union of Societies for Equal Citizenship; National Union of Teachers; National Women Citizens' Association; Society of Friends (Peace Committee); Standing Joint Committee of Industrial Women's Organisations (including Women's Sections of the Labour Party); Theosophical Order of Service; Union of Democratic Control; Union of Jewish Women; Women's Co-operative Guild; Women's International League; Women's Liberal Federation; Young Women's Christian Association of Great Britain.

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TEXT OF MULTILATERAL TREATY FOR THE RENUNCIATION OF WAR

ARTICLE I

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 II

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 III

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.

Summary of Events.

The Briand Offer. In April, 1927, M. Briand made the statement **April, 1927.**
to American journalists in Paris that France would be prepared
to join with the U.S.A. in renouncing war between themselves, **June, 1927.**
and on June 20th he proposed to Washington a Franco-American
Treaty, by which the two nations would renounce war as an instru-
ment of national policy in their dealings with each other and would
agree that the settlement of any disputes arising between them
should never be sought except by pacific means.

Mr. Kellogg's Reply. Then, after six months' consideration, Mr. **Dec. 28th.**
Kellogg replied to France, in a Note dated December 28th. He
expressed the view that "the two Governments, instead of content-
ing 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." He invited the co-operation of
France in the preparation of such a draft Treaty and its submission
to the other nations of the world. At the same time the Foreign
Offices of the principal Powers were informed of Mr. Kellogg's
suggestion.

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- Jan. 3rd, 1928. **French Qualifications.** To this M. Briand responded on January 3rd, by proposing (a) that France and America should lead the way by putting their signatures to any such pact, which should afterwards be submitted to other nations; and (b) that the renunciation of war should be applied not to war generally, but simply to aggressive war.
- Jan. 11th. **Mr. Kellogg Adheres to His Proposal.** In his reply of January 11th, Mr. Kellogg objected to the signing of a pact between France and the United States before submitting it to the Powers on the grounds that it might for some reason be unacceptable to one of them. He pointed out that the limitation of the pact to aggressive war was a change of front from the original French proposal which "envisaged unqualified renunciation of all war as an instrument of national policy." Finally, he expressed the hope that this reservation was of "no particular significance" and did not represent the last word of the French Government on the subject. And he urged that France should join in forwarding the original French draft and the whole of the ensuing correspondence to the Foreign Offices of the Great Powers for their information.
- Jan. 22nd. **M. Briand's Reply.** In the French Note, which was published on January 22nd, M. Briand dwelt mainly on the difficulty of making such a Treaty as was proposed compatible with the Covenant of the League of Nations. He expressed the view that if the Treaty was not to bind France and America only, the question should be submitted to very careful study in order that the rights and duties of the nations interested in the League Covenant and existing Treaties might not be prejudiced.
- Feb. 27th. **Another American Note.** In his Note of February 27th, Mr. Kellogg expressed his inability to follow the arguments of the French Government with regard to difficulties arising from obligations under the Covenant or existing treaties of guarantee. He observed that "a Government free to conclude a bilateral Treaty (*i.e.*, such as M. Briand originally suggested) 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." He referred in this connection to "the 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 add that of the 21 States represented at the Conference, 17 are members of the League of Nations." He stated once more that "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." And he urged the French Government to join in submitting the original French proposal, together with subsequent correspondence, to the other Great Powers as a basis for discussion.

Mr. Kellogg's Speech. In an important speech delivered in New York before the Council on Foreign Affairs on March 15th, Mr. Kellogg dealt with French difficulties on the lines of his Note of February 27th, and further explained the official American policy. He expressed the view that "any attempt by exceptions and qualifications to stipulate when nations are justified in going to war with one another would greatly weaken the effect of any Treaty such as that under consideration and virtually destroy its positive value as a guarantee of peace" and he objected to using the term "aggressive war" because of "the absence of any satisfactory definition" of the term. He repeated his inability to appreciate the distinction made by France between a bilateral and an identical multilateral Treaty with respect to the effect on previously contracted international obligations. And he stated categorically: "I cannot believe that such a Treaty would violate the League Covenant or conflict with the obligations of the members of the League."

French Reservations. In the French reply, published on March 31st, M. Briand yielded the point that all war and not merely "aggressive war" should be covered by the proposed pact, but laid down the following reservations: (1) that all countries adhere to the Treaty and that it should not become effective, without such universal adherence, unless some special agreement were entered into waiving certain abstentions; (2) that each country retain the right of legitimate defence; (3) that should one country violate its pledge not to engage in war, all others would be automatically released; (4) that the new Treaty should in no way interfere with the previous obligations of France under the League Covenant, the Locarno agreements, or her neutrality treaties.

The Multilateral Treaty. It was agreed on April 7th between the French and American Governments that the correspondence which had taken place should be submitted to the Foreign Offices of the other four Powers. But the American Government acted alone, when, on April 13th, it presented to the British, German, Italian and Japanese Governments, the draft of a multilateral Treaty for the renunciation of war, together with a Note setting forth the American view and inviting the observations of the Governments addressed. The text of the proposed Treaty has been given above. The wording of the operative portion is the same as that of M. Briand's original draft for a bilateral Franco-American Treaty.

The French Alternative. On April 21st was published an alternative draft for a multilateral pact proposed by the French Government, embodying the reservations previously laid down in the French

Note. Article I of this draft declared for the renunciation of war "as an instrument of national policy, that is to say, as the instrument of any personal, spontaneous, and independent political action which they may initiate and not as that of an action into which they may be drawn by the application of a Treaty such as the Covenant of the League of Nations or any other Treaty registered by the League of Nations." Article II was identical with Article II of the American Draft. Article III read: "In case one of the High Contracting Parties should violate the present Treaty, the other Contracting Powers shall be completely set free, as regards that Party, from the engagements of this Treaty." Article IV declared: "The provisions of the present Treaty shall not modify any of the obligations imposed upon the Contracting Powers by the international agreements to which they are parties." And Article V read: "The present Treaty shall be offered to all the Powers for their signature, and shall have no binding force until it has been generally accepted, unless the present signatory Powers, in agreement with those which join them hereafter, agree to put the Treaty into force in spite of certain abstentions."

April 25th. Lord Grey's Speech. On April 25th, Lord Grey spoke on the American proposals at a meeting of the League of Nations Parliamentary Committee at the House of Commons. He gave an "unqualified welcome" to the proposals and expressed the view that they were in no way "hostile to the League." In his opinion any point remaining at all obscure as to obligations under the Covenant or the Treaty of Locarno or as to what would happen in the event of one of the signatory Powers breaking the Treaty, could be met, not by "a long string of reservations" but by some other expedient such as "a simple exchange of Notes." It was inconceivable to him that this "beneficent initiative" should be "rebuffed by a refusal."

April 26th. Sir Austen Chamberlain's Speech. In a speech at Birmingham on April 26th, Sir Austen Chamberlain referred in general terms to the American proposals. He said that "any proposal designed and directed to the preservation of peace, from whatever quarter it comes, will receive the most sympathetic attention of His Majesty's Government; and, if that be true of any such proposal, it is doubly true when it comes to us on the initiative of the Government of the United States of America." And he added that while such a proposal for the renunciation of war required "the most careful examination," it is "too valuable for any one of us to allow it to slide through our grasp."

April 27th. The German Reply. In a Note dated April 27th, the German Government replied to the American Note, welcoming the idea of a multilateral Pact for the renunciation of war in cordial terms and clearly avowing a preference for the American as against the French draft. With regard to its obligations under the Covenant

and the Treaty of Locarno, the Note stated that the German Government was convinced that "these obligations contain nothing that could in any way conflict with the obligations implied in the draft Treaty of the United States. On the contrary, it believes that the binding obligation not to use war as an instrument of national policy would only be calculated to strengthen the basic idea of the Covenant and the Rhine Pact." The Note further declared that it might be taken for granted that the right of self-defence on the part of each State would remain unaffected; also that if any State broke the Pact, the other Contracting Parties would recover their freedom of action in regard to that State. The German Government would be ready to conclude such a Pact as proposed, believing that it would not fail "to exert an influence very speedily on the shaping of international relations," both in the direction of bringing about general disarmament and in contributing to the development "of means for settling in a peaceful manner conflicts of national interest that now exist or may arise in the future."

Another Kellogg Speech. On April 28th, Mr. Kellogg made another **April 28th.** very important speech before the American International Law Association at Washington, in which he dealt fully with the reservations in the French draft Treaty. He opposed the view that such a multilateral Pact should be made conditional and declared once more that there was in his opinion no inconsistency between the provisions of the Covenant and the idea of the unqualified renunciation of war. With regard to the right of self-defence and of free action towards a State which violated the Treaty, those were self-evident facts, and it was therefore not necessary nor "in the interests of peace" to include a definite stipulation on these points. Referring to the Locarno Agreement, he pointed out that "if all the parties to the Locarno Treaties became 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," because a breach of one would be a breach of the other, and a breach of the multilateral Treaty would result in the automatic release of the parties concerned. With regard to the French reservation on the universality of the Treaty, Mr. Kellogg said that the United States had hoped from the beginning that it would be applied throughout the world. "From a practical standpoint, it is clearly preferable, however, not to postpone the coming into force of the anti-war Treaty until all the nations of the world can agree on the text of such a Treaty and cause it to be ratified." And further, pending general acceptance "the coming into force among the above-named six Powers of an effective anti-war Treaty and the observance thereof would be a practical guarantee against a second world war" and in itself "a tremendous service to humanity."

The Italian Reply. In a Note dated May 5th, Signor Mussolini **May 5th.** welcomed the initiative of the United States and offered "cordial

co-operation." Some passages contained in the Note referred to a suggested preliminary conference of jurists, but no formal request for such a conference appears to have been put forward by any Power, and Mr. Kellogg took the opportunity of stating that any conference of the kind would be regarded by the United States as unnecessary.

May 10th. The Commons Debate. In the House of Commons on May 10th, Sir Austen Chamberlain reaffirmed the warm welcome extended by the Government to the American proposal and their hope that it might be brought to a successful conclusion. Any delay in replying had been due on the one hand to the consideration of the relation of the proposed new obligations to old obligations previously undertaken, and, on the other hand, to the necessity of consulting the Dominions. On the first point Sir Austen said, referring to Mr. Kellogg's speech: "That speech shows quite clearly that it was not the desire of the United States Government to impair the engagements of those who had already laid the foundations of peace and reconciliation of Europe, whether by the Covenant with its larger obligations or by the Treaties of Locarno. It is quite possible to reconcile our obligations under these instruments with the new declaration which Mr. Kellogg invites us to make." The suggestion of a meeting of jurists had been tentatively made, but withdrawn. As soon as the replies of the Dominions had been received, said Sir Austen, our answer would be sent to the Government of the United States and would be "to the effect of our desire to co-operate in the conclusion of such a Pact as is proposed and to engage with the interested Governments in the negotiations required for that purpose."

Mr. Ramsay MacDonald and Mr. Lloyd George, speaking in the debate, strongly advocated the acceptance of the Pact, without reservations.

May 15th. The Lords Debate. On May 15th, the House of Lords, on the motion of the Marquess of Reading agreed to the following resolution: "That this House cordially welcomes the proposals of the United States Government for renunciation of war, and, whilst recognising the desire of His Majesty's Government to co-operate in securing the peace of the world, is of opinion that prompt and favourable consideration should be given to these proposals, and that His Majesty's Government should declare their acceptance of the principles embodied in the proposed Treaties to the United States Government."

Lord Cushendun, speaking for the Government, said that there had been no hesitation to give a warm welcome to the proposals or lack of desire to co-operate in them, but it was very important that in signing anything, they should know exactly not only what they meant by it, but also what other people meant. With regard to

obligations under the Covenant of the League and the Treaty of Locarno, "His Majesty's Government took the same view as that which had been expressed by the German Government and by Mr. Kellogg, very largely because of the remarkable speech made by Mr. Kellogg, because in a matter of that sort, it was very important to know the personal views of the author of the draft Treaty." As there was, however, a difference between personal opinions and the actual interpretation of a document, the Government desired "not to put reservations in the Treaty, but to place on record in some formal and accepted manner the views expressed by the different Governments as to the meaning of the document they were now signing. There were methods known to diplomacy by which that might be done without interfering in any way with the acceptance of the document itself."

Viscount Cecil said that it seemed to him quite clear that there was "a real fundamental difference between using war as an instrument of national policy and using war, or at any rate coercion, in order to preserve international peace in the discharge of an international obligation." As the Foreign Secretary said of the Locarno Treaty, so it might be said of the Kellogg proposal, that it "would underpin the whole structure of the League," if and when it was adopted. The acceptance of this proposal would make the League efforts to extend arbitration and the reduction and limitation of armaments even more necessary and even more obviously right:

The Archbishop of Canterbury expressed the hope that the House would encourage the Government to act promptly and without reservations of any kind in accepting the American proposal, which he believed would stand out as one of the most remarkable proposals in the history of civilisation and of the world.

General Smuts' Statement. On May 19th, an important statement **May 19th.** by General Smuts on the American proposals appeared in *The Times*. This statement has been reprinted in full by the Women's Crusade as a separate leaflet.

The British Reply. On May 19th, the British reply was handed to **May 19th** the American Ambassador in London. See page 14.

Invitation to the Dominions. In a Note dated May 22nd, the Amer- **May 22nd.** ican Ambassador expressed the satisfaction of his Government at learning that the Governments of the Dominions and the Government of India were in agreement with the general principle of the proposed Treaty and extended to them "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."

The Japanese Reply. On May 26th, the Japanese Government **May 26th.** replied to the United States in terms expressing their sympathy with the aims of the proposal "which they take to imply the entire

abolition of the institution of war" and promising cordial co-operation. The Note went on to say that the proposal was understood to contain nothing "that would refuse to independent States the right of self-defence and nothing which is incompatible with the obligations of agreements guaranteeing the public peace, such as are embodied in the Covenant of the League of Nations and the Treaties of Locarno."

May 30th. New Zealand's Reply. A Note dated May 30th stated that the Government of New Zealand had received with warm appreciation the invitation to become an original party to the Treaty and welcomed 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."

May 30th. President Coolidge's Speech. In his Memorial Day speech at Gettysburg, on May 30th, President Coolidge said, referring to the proposed Pact, that the suggestion, first made by M. Briand in June, 1927, that France and the United States should sign a Treaty renouncing war as an instrument of national policy had been developed into "one of the most impressive peace movements that the world has ever seen." He expressed the view that the draft Treaty submitted on April 13th to other interested Powers for consideration had "met a very favourable reception."

May 31st. The Irish Free State Reply. On May 31st the Free State reply to the United States was read to the Dail. It warmly welcomed the American initiative; expressed cordial agreement with the general principle of the draft Treaty and agreement with the view that it contained nothing inconsistent with the Covenant of the League of Nations; and declared that the Government "accept unreservedly the invitation of the United States Government to become a party to the Treaty jointly with other States similarly invited."

June 2nd. Canada's Reply. The Note, published on June 2nd, in which the Canadian Government conveyed to the United States cordial acceptance of the Peace Pact proposals, is of rather special interest, as the opportunity was taken of indicating certain Canadian views of the interpretation of the Covenant, particularly in respect of the question of sanctions. The Note stated that the Government were convinced, after careful consideration, that "there is no conflict, either in the letter or in the spirit, between the Covenant and the Pact, or between the obligations involved."

June 2nd. Australia's Reply. In a Note dated June 2nd, the Government of Australia expressed appreciation of the invitation to participate in the Treaty as an original party and declared: "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."

M. Briand speaks again. In a statement given to the Press after his interview with Sir Austen Chamberlain in Paris, on June 2nd, and summarised in *The Times*, M. Briand made some highly significant references to the proposed Pact and the French attitude towards it. "It was indispensable," he said, "that we should be quite sure that the Pact would not contain anything conflicting with obligations contracted by members of the League of Nations, and the signatories of the Locarno Treaties. It was necessary to reserve the right of legitimate defence. It was necessary to give the Pact the widest possible character of universality. It was further necessary to specify that an infraction of the Pact by one of the contracting parties restored to all the others their liberty of action. This was the purpose of the reservations put forward by the French Government. The negotiations have shown that all these reservations have been accepted by the other Powers, and that Mr. Kellogg has recognised that our concern for them was justified. The ground has thus been cleared. It is now only necessary to search for a formula, and France will certainly put no obstacle in the way of finding one."

League of Nations Union Conference. At a conference on arbitration arranged by the League of Nations Union on June 5th, several of the speakers referred at length to the Treaty proposals. June 5th.

Lord Grey said that there had come this year, not from inside but from outside the League, "something which, in my opinion, is going vastly to strengthen the League of Nations itself. That is the proposal which has come from the United States." The effect of this proposal on the object of the League, which was to secure the peace of the world, would be "more important and more helpful than anything that could have been done within the League of Nations itself." Lord Grey pointed out that the risk of a nation which was a member of the League breaking the Covenant of the League would be much less if that nation had also accepted the proposed Peace Pact. "It is going to be a formidable thing in the future to break simultaneously such important things as the Covenant of the League and the American Peace Pact." It was true there were no sanctions under the Pact, but if it became a reality "any nation which broke the Pact and went to war would have a poor chance, indeed, of getting the sympathy of the public opinion of the United States."

Lord Cecil, speaking the same day, said that the Peace Pact should be signed by the British Government without reservation and without amendment, and the sooner the better. The elimination of the right of war would really change the whole basis and aspect of international relations. "It would strike a reverberating blow at international suspicion and would inaugurate a new era in international life, provided, of course, that it was a genuine renunciation." Further, apart from its immediate effects it would provide a basis for further progress in the direction of arbitration, and would make disarmament a much easier problem.

June 11th. Speech by Mr. Kellogg. The American Secretary of State, speaking at a banquet in New York on June 11th, referred to the negotiations taking place, the "encouraging replies" received, and the informal intimation from other Governments of their desire to participate in such a Treaty as the one proposed. "The force of public opinion in this country and abroad has already made itself felt. The peoples of the world seem unquestionably to want their Governments to renounce war in the most effective way possible. . . Since this discussion commenced between France and the United States, the idea has appealed in increasing force to the public opinion of the world." This idea of the power of public opinion was stressed throughout the speech. "With the passage of time," said Mr. Kellogg, "the emphasis in our present negotiations is being placed not on narrow technical considerations of a legalistic nature, but on the broad principles underlying the entire idea. It is peace, not war, that we are seeking to perpetuate, and I am firmly convinced that the simple, straightforward, unequivocal declaration against war which the United States borrowed from M. Briand and incorporated in its draft Treaty is the one that has the greatest moral value, and the one that will in the long run commend itself to all the peoples concerned. It has no hidden meaning. It is easily understood . . . I do not think that it is too much to hope that such a Treaty will be signed."

June 11th. India's Reply. A Note dated June 11th, conveyed the "warm thanks" of the Government of India to the United States and their acceptance of the invitation extended. It added that the Government desired to associate themselves with the British Note of the 19th May.

June 15th. South Africa's Reply. In a Note dated June 15th, it was stated that the invitation "to participate individually and as an original signatory in the Treaty for the Renunciation of War" was "highly appreciated" and that "His Majesty's Government in the Union of South Africa will gladly take part therein." The Note added that the Government took it for granted that the right of "legitimate self-defence" remained unimpaired; that a violation of the Treaty by any party would free the other parties from observing its terms in respect of the party committing the violation; and that the Union of South Africa would not be precluded from fulfilling its obligations under the Covenant of the League.

June 23rd. The Treaty Resubmitted. On June 23rd, a new Note from Mr. Kellogg resubmitting the proposed Treaty was delivered at the Foreign Office. *The terms of the Articles of the Treaty remained unaltered*, but a clause was included in the preamble providing 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." Provision was also made in the preamble for the inclusion of Belgium, Poland and Czechoslovakia as original

signatories, as well as the British Dominions, thus bringing up the total number of participants to 15. The covering dispatch contained extensive extracts from the speech made by Mr. Kellogg on April 28th, when he declared that nothing in the Treaty would restrict or impair the inherent right of self-defence, that there was no inconsistency with the terms of the League Covenant, nor with those of the Locarno Treaties. Further, there should be no difficulty in reconciling the Pact with Treaties of Neutrality contracted by France with certain other countries, if the latter also adhered to the Pact. Violation of a multilateral Treaty would automatically release the other parties from their obligations to the Treaty-breaking State. Universality was a condition to be aimed at, but the conclusion of the Treaty should not be postponed until that condition was reached. The Note went on to say that, although believing that later adherence would safeguard their interests, the Government of the United States would be willing that all the parties to the neutrality Treaties mentioned by France should become original signatories to the Anti-war Treaty. The Government of the United States was ready to sign at once and the "fervent hope" was expressed that the British Government and the Governments of the Dominions would be able "promptly to indicate their readiness to accept without qualification or reservation" the form of Treaty now suggested. "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."

Replies to the United States. During the month of July, all the fourteen Governments, to whom the Treaty, with preamble revised, had been submitted by the United States, replied in a favourable sense and expressed willingness to sign. In the French Note, M. Briand declared that the interpretation of the Treaty contained in the last American Note, fully met the various points that had been raised by the French Government. The British reply of July 18th, took a similar line but also repeated the qualification contained in the first reply with reference to "certain regions." The Note is given in full on page 17.

The Treaty Signed. On August 27th, the multilateral Treaty for the renunciation of war as an instrument of national policy was formally signed in Paris by the representatives of fifteen Governments including M. Briand, on behalf of France, Herr Stresemann, on behalf of Germany, Lord Cushendun, on behalf of Great Britain, and Mr. Kellogg, on behalf of the United States of America. In his speech

on that occasion, M. Briand said that "the essential feature of the Pact was that, for the first time, in the face of the whole world and through a solemn Covenant involving the honour of great nations, who all had behind them a heavy record of political conflicts, war in its most specific and dreaded form; selfish and wilful war; which had been regarded of old as springing from divine right and had remained in international ethics as an attribute of sovereignty, became at last juridically devoid of what constituted its most serious danger—its legitimacy. Freed from the old bondage, the nations that had signed the new contract would gradually forsake the habit of associating the ideas of national prestige and national interest with the idea of force."

Aug.—Oct. **Invitation to all Nations.** Immediately after the ceremony an invitation to participate in the Treaty was extended by the Government of the United States directly to 48 other nations and a similar communication was sent through the French Government to Soviet Russia. In other words the Treaty was thrown open to the whole civilised world. Several favourable replies were received shortly after, including one from the Russian Government, which, while stressing its regret that the Pact contained no positive obligations regarding disarmament, stated its willingness to sign. By the end of October, a large proportion of the nations approached had expressed their sympathetic approval of the Treaty and their intention of participating in the near future.

Text of British Reply of May 19th.

(Omitting paragraphs 1 and 13.)

¶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 April 28. 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 April 27. 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 recognised, 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 realise that His Majesty's Government find nothing in their existing commitments which prevents their hearty co-operation in this new 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.

Text of British Reply of July 18th.

I am happy to be able to inform you that after carefully studying the Note which you left with me on June 23, 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 May 19 I explained how important it was to my Government that the principle should be recognised 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 April 27 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.

As regards the passage in my Note of May 19 relating to certain regions of which the welfare and integrity constitute a special and vital interest for our peace and safety, I need only 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 April 28 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 June 23. 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.

Compiled by C. K. Cumming, and obtainable from The British-American Women's Crusade, 55 Gower Street, W.C.1, price 6d. each.

