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# PROPOSALS FOR A MULTILATERAL PACT

FOR THE

## RENUNCIATION OF WAR

1927-28

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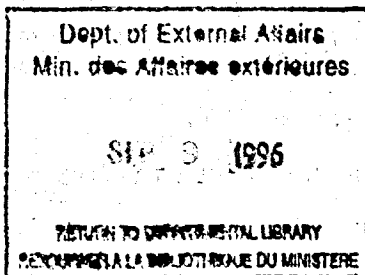
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[Translation]

....., June 20, 1927.

DRAFT OF PACT OF PERPETUAL FRIENDSHIP BETWEEN FRANCE AND THE UNITED STATES<sup>1</sup>

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 ..... in two copies (each drawn up both in French and English and having equal force), the ..... nineteen hundred and twenty-seven.

(Signatures and seals)

<sup>1</sup> Transmitted to the Secretary of State of the United States by M. Briand through the United States Ambassador at Paris.

*Note from the Secretary of State of the United States to the French Ambassador at Washington*

WASHINGTON, December 28, 1927.

EXCELLENCY: I have the honor 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 of 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 endorsement 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 the arbitration treaty which I have proposed in my note to you of December 28, 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 of 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 Mr. Briand for submission by France and the United States jointly to the other nations of the world.

Accept [etc.]

FRANK B. KELLOGG.

*Translation of note of January 5, 1928, from the French Ambassador at  
Washington to the Secretary of State of the United States*

MR. SECRETARY OF STATE: By a letter of December 28 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 insure universal adoption will be crowned with full success.

Accept [etc.]

CLAUDEL

*Note from the Secretary of State of the United States to the French Ambassador at Washington*

WASHINGTON, January 11, 1928.

EXCELLENCY: In the reply which your Government was good enough to make to my note of December 28, 1927, His Excellency the Minister of 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 January 5, 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 December 28, 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 endeavors 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 January 5, 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 December 28, 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 honor 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 [etc.]

FRANK B. KELLOGG

*Translation of note of January 21, 1928, from the French Ambassador at Washington to the Secretary of State of the United States*

MR. SECRETARY OF STATE: Your Excellency was pleased to inform me in your note of the 11th instant, of the considerations suggested to you by my letter of January 5 in answer to your communication of December 28, 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 only 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 guaranties 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 other 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 January 5 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 January 5.

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 January 5, 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 [etc.]

CLAUDEL

*Note from the Secretary of State of the United States to the French Ambassador at Washington*

WASHINGTON, February 27, 1928.

**EXCELLENCY:** 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 January 21, 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 January 21, 1928, the only substantial obstacle in the way of the unqualified acceptance by France of the proposals which I submitted in my notes of December 28, 1927, and January 11, 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 the 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 January 21, 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, is it 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 guaranty 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 January 11, 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 [etc.]

FRANK B. KELLOGG.

*Translation of note of March 30, 1928, from the French Ambassador at Washington to the Secretary of State of the United States*

MR. SECRETARY OF STATE: In reply to your note of February 27 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 February 27, 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 first of last March, the assurance that the renunciation of war, thus proclaimed, would not deprive the signatories of the right of legitimate defense. 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 prejudice 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 January 11, which you kindly renewed in your note of the 27th of 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 defense 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 multi-lateral 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 with-

out 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 [etc.]

CLAUDEL.

*Note delivered on April 13, 1928, by the United States Ambassadors at London, Berlin, Rome, and Tokio to the Foreign Ministers of Great Britain, Germany, Italy, and Japan.*

As Your Excellency is 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 them.

The Government of the United States, as stated in its note of February 27, 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, or parties to other treaties guaranteeing neutrality. My Government has not conceded that such considerations necessitate any modification 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 governments 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 your 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 Governments similarly disposed. It will be observed that the language of Articles I and II 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 Your Excellency'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.

*Text of suggested draft treaty accompanying above note*

- 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 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 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 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. 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 affix their seals.

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

\* \* \* \*

*Text of draft treaty delivered on April 20, 1928, by the Chargé d'Affaires  
of the French Embassy at Washington to the Secretary of State  
of the United States*

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 favor 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 One.—The high contracting parties, without any intention to infringe upon the exercise of their rights of legitimate self-defense 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 Two.—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.

Article Three.—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 Four.—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 Five.—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 Six.—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 Five, the Government of . . . will send out a statement of the signatories and accessions to all the powers that have signed or acceded.

*Note from the Foreign Minister of Germany to the United States Ambassador at Berlin, in reply to the United States Ambassador's Note of April 13, 1928*

BERLIN, April 27, 1928.

Mr. AMBASSADOR,—In the note of April 13 and its enclosures Your Excellency informed me of the negotiations between the Government of the United States of America and the Government of France regarding the conclusion of an international pact for the outlawry of war. At the same time you asked me the question whether the government was disposed to conclude such a pact in accordance with the draft put forward by the Government of the United States or whether it considered certain changes in this draft necessary.

The German Government has studied the question put by you with the care appropriate to the extraordinary importance of the matter. It was

possible also in this study to take into consideration the draft treaty which had been drawn up in the meantime by the French Government and handed to the participating powers. As a result of this study I have the honour to inform your Excellency of the following in the name of the German Government:

The German Government welcomes most warmly the opening of negotiations for the conclusion of an international pact for the outlawry of war. The two main ideas which lie in the bottom of the initiative of the French Foreign Minister and the resulting proposal of the Government of the United States correspond completely with the principles of German policy. Germany has no higher interest than to see the possibility of armed conflicts eliminated and a development assured in the life of the nations which would guarantee the peaceful settlement of all international disputes. The conclusion of a pact such as the United States now has in view would certainly bring the nations a good deal nearer to this goal.

As the need of the nations for the assurance of peace since the world war has already led to other international agreements the necessity exists for the states participating therein to make sure in what relation the pact now proposed would stand to these international agreements already in force. You have already, Mr. Ambassador, referred in your note to the considerations which were put forward in this connection by the French Government in its exchange of views with the Government of the United States. So far as Germany is concerned these come into question as international agreements which might touch the substance of the new pact, the Covenant of the League of Nations and the Rhine pact of Locarno; other international obligations of this kind have not been entered into by Germany. Respect for the obligations arising from the Covenant of the League of Nations and the Rhine pact must in the opinion of the German Government remain inviolable. The German Government is, however, convinced that these obligations contain nothing which could in any way conflict with the obligations provided for 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 could only serve to strengthen the fundamental idea of the Covenant of the League of Nations and of the Rhine pact. The German Government proceeds on the belief that a pact after the pattern submitted by the Government of the United States would not put in question the sovereign right of any state to defend itself. It is self-evident that if one state violates the pact the other contracting parties regain their freedom of action with reference to that state. The state affected by the violation of the pact is, therefore, not prevented from taking up arms on its own part against the breaker of the peace. In a pact of this kind to provide expressly for the case of a violation seems to the German Government unnecessary.

In agreement with the Government of the United States and with the French Government, the German Government is also of the opinion that the ultimate goal must be the universality of the new pact. In order to bring about this universality, the draft treaty of the United States seems to open a practical way. When the states first coming into question as signatory powers have concluded the pact it may be expected that the other states will thereupon make use of the right of adhesion which is assured to them without limitation or condition.

The German Government can accordingly declare that it is ready to conclude a pact in accordance with the proposal of the Government of the United States and to this end to enter into the necessary negotiations with the governments concerned. To this declaration the German Government adds, moreover, its definite expectation that the realization of a pact of such importance will not fail to make its influence felt forthwith on the state of international rela-

tions. Therefore, this new guarantee for the maintenance of peace must give a real impulse to the efforts for the carrying out of general disarmament. And further still, the renunciation of war must as a necessary complement enlarge the possibilities of settling in a peaceful way the existing and potential conflicts of national interests.

STRESEMANN.

*Address by the Secretary of State of the United States to the American Society of International Law, Washington, D.C., April 28, 1928*

There seem to be six major considerations which the French Government has emphasized in its correspondence and in its draft treaty; namely, that the treaty must not (1) impair the right of legitimate self-defence; (2) violate the Covenant of the League of Nations; (3) violate the treaties of Locarno; (4) violate certain unspecified treaties guaranteeing neutrality; (5) bind the parties in respect of a State breaking the treaty; (6) come into effect until accepted by all or substantially all of the Powers of the world. The views of the United States on these six points are as follows:

(1) Self-defence. There is nothing in the American draft of an antiwar 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 territory 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. Inasmuch as 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 mold 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 X 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 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 pledge thereunder. It is, therefore, obvious that if all the parties to the Locarno treaties become parties to the multilateral antiwar 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 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 antiwar treaty and the other parties to the antiwar treaty would thus, as a matter of law, be automatically released from their obligations thereunder and free to fulfill their Locarno commitments.

The United States is entirely willing that all parties to the Locarno treaties should become parties to its proposed antiwar 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 III 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 antiwar treaty proposed by the United States.

If this were done, no party to the antiwar 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 antiwar treaty. If the neutralized States were attacked by a State not a party to the antiwar 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 antiwar treaty.

It is difficult to perceive, 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 antiwar treaty through resort to war by one party thereto would automatically release the other parties from their obligations to the treaty-breaking State. 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 antiwar treaty should be world-wide in its application, and appropriate provision therefor was made in the draft submitted to the other governments on April 13. 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 antiwar 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 jeopardize 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.

*Translation of Note from the Foreign Minister of Italy to the United States Ambassador at Rome under date of May 5, 1928, in Reply to the United States Ambassador's Note of April 13, 1928*

I have the honour to refer to my note of April 23rd, relative to the proposal of the United States Government regarding a multilateral Anti-War Treaty.

I hardly need to assure you that Italy, adhering to the policy which she is constantly following, has welcomed with lively sympathy this initiative and offers very willingly her cordial collaboration towards reaching an agreement.

Your Excellency is aware of the fact that there is under consideration the proposal for a preliminary meeting of the legal experts of the powers whose direct interest in the proposed treaty has been enlisted. The Royal Government has adhered to this procedure but has clearly pointed out that in its opinion such a meeting can only be effective if the participation of a legal expert of the Government of the United States is assured.

In accordance with this order of ideas I beg Your Excellency to communicate to Mr. Kellogg the lively desire of the Royal Government that the participation of the United States in the preliminary meeting mentioned above be not lacking.

MUSSOLINI.

*Note from the Secretary of State for Foreign Affairs of Great Britain, delivered on May 19, 1928, to the United States Ambassador at London, in reply to the Ambassador's Note of April 13, 1928*

YOUR EXCELLENCY: Your note of April 13 containing the text of the draft treaty for renunciation of war, together with copies of correspondence between the United States and the French Government 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 a 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 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 is convinced that there is no serious divergence between the effects 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 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 I 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-defense. Mr. Kellogg has made it clear in the speech to which I have referred above, that he regards the right of self-defense 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 French proposal. 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 of observing 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 an 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 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 existing treaties and the proposed pact unless it is understood 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 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 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 parties to the Covenant of the League or to the Locarno Treaty from fulfilling their obligations.

10. The language of Article I 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-defense. 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 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.

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 Government 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 the receipt of the 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.

AUSTEN CHAMBERLAIN.

*Note from the United States Minister at Ottawa to the Secretary of State for External Affairs of Canada*

LEGATION OF THE UNITED STATES OF AMERICA

No. 124.

OTTAWA, ONTARIO, May 22, 1928.

SIR,—In the note which he addressed to the American Ambassador at London on May 19, 1928, Sir Austen Chamberlain was 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 April 13, 1928. Sir Austen added that he 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 outcome 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 April 13, 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 Sir Austen Chamberlain's note of May 19, 1928, to the American Ambassador at London.

Accordingly, I have been instructed to extend to His Majesty's Government in Canada, in the name of the Government of the United States, a cordial invitation to become one of the 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 to His Majesty's Government in Canada at the same time and in the same manner as to 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 April 13, 1928, was addressed.

I avail myself of the occasion to renew to you, Sir, the assurances of my highest consideration.

WILLIAM PHILLIPS.

The Right Honourable

WILLIAM LYON MACKENZIE KING, C.M.G., LL.B., LL.D.,  
Secretary of State for External Affairs,  
Ottawa.

*Note from the Foreign Minister of Japan, delivered on May 26, 1928, to the United States Ambassador at Tokio, in reply to the Ambassador's Note of April 13, 1928*

Mr. AMBASSADOR: I have the honour to acknowledge the receipt of Your Excellency's note number 336 of April 13 last, transmitting to me under instructions from the Government of the United States the preliminary draft of a proposed multilateral treaty representing in a general way a 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 governments similarly disposed with the object of securing the renunciation of war.

At the same time, Your Excellency enclosed a copy of the correspondence recently exchanged between the governments of the United States and the French Republic, commencing with a proposal put forward by Monsieur Briand in June, 1927; and you intimated that the Government of the United States desired to be informed whether the Japanese Government were in a position to give favourable consideration to the conclusion of such a treaty as that of which you enclosed a draft—and, if not, what specific modification in the text would make it acceptable.

I beg to inform Your Excellency that the Government of Japan sympathize warmly with the high and beneficent aims of the proposal now made by the United States, which they take to imply the entire abolition of the institution of war, and that they will be glad to render their most cordial co-operation towards the attainment of that end.

The proposal of the United States is 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.

Accordingly, the Imperial Government firmly believe that unanimous agreement on a mutually acceptable text for such a treaty as is contemplated is well capable of realization by discussion between the six powers referred to, and they would be happy to collaborate with cordial goodwill in the discussions with the purpose of securing what they are persuaded is the common desire of all the better peoples of the world—namely, the cessation of wars and the definite establishment among the nations of an area of permanent and universal peace.

I avail myself, etc.

BARON GIICHI TANAKA,  
*Minister.*

*Note from the Secretary of State for External Affairs, Canada, to the United States Minister at Ottawa, in reply to the Minister's Note of May 22, 1928*

OFFICE OF THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA  
OTTAWA, 30th May, 1928.

SIR,—I have the honour to acknowledge your note of May 22nd, 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 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, Sir, the renewed assurances of my highest consideration.

W. L. MACKENZIE KING  
*Secretary of State for External Affairs.*

The Honourable William Phillips,  
Minister of the United States of America,  
Ottawa.

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