



(c) crown copyright

*Printed for the Cabinet. October 1936.*SECRET.

Copy No. 44

C.P. 278 (36).

**CABINET.****PREPARATIONS FOR THE FIVE-POWER CONFERENCE.***Memorandum by the Secretary of State for Foreign Affairs.*

1 CIRCULATE to my colleagues herewith a statement comparing the views of the different Governments concerned, on the preparations for the Five-Power Conference.

2. The vital difference seems to concern the point dealt with in paragraph 5 of the statement, *i.e.*, the question whether the non-aggression arrangements shall be subject to exceptions, such, particularly, as those laid down in Article 2 of the Treaty of Locarno concerning action under the Covenant of the League of Nations. If there are no exceptions at all, this would mean that no party subscribing to the proposed non-aggression arrangements could come to the assistance of a non-signatory Power if attacked by a party to those arrangements. Thus, France could not in such circumstances assist Russia, Czechoslovakia or Poland if attacked by Germany, nor could Great Britain—on the assumption that she became a party to a non-aggression arrangement—assist Egypt or Iraq if attacked by another party to such an arrangement. Further, a State in this position could not go to the assistance of a State attacked in violation of the Covenant. This would be incompatible with our obligations under the Covenant.

3. A second difference concerns the question of the manner in which a decision is to be reached as to whether a non-aggression undertaking has been violated, *i.e.*, is, or is not, the League of Nations to be the deciding body? We have known since the 31st March that Germany would not accept the decision of the Council in this matter, for in their note of that date the German Government suggested the constitution of an international court of arbitration for the purpose. Now they seem to have abandoned even this proposal and to be anxious to leave the decision to the parties to the Treaty. This proposal is certainly just as practicable as that of the court; but it is scarcely conceivable that we could agree to the League Council being deposed in this fashion.

4. Another difficulty is likely to arise owing to the general German reservation regarding the approach to an Eastern and Central European settlement. The Germans maintain that the Western Treaty must be concluded before anything else can be discussed, and even then they reserve their attitude (see paragraph 9 (1) of the statement). There would probably be no obstacle to the completion of the Western Treaty first; but *if* the western negotiations were successful there must be no doubt that there will be a sequel. At present Germany seems to be unwilling to admit this. Russia and France's clients of the Little *Entente* would not allow her to conclude a purely Western Treaty if all sequel to it were specifically ruled out.

5. Three differences have developed on the question of guarantees (see paragraphs 4 and 7 of the statement). The first concerns the guarantees for which we have asked from France and Germany, supposing that Italy would require the same for herself. The French are prepared to support our view; but the Germans and Italians seem to be opposed to any extension of the guarantee system.

as it existed under the Locarno Treaty. The Chiefs of Staff are being consulted; but there seems *prima facie* to be no reason why we should not have reciprocity, which would make the Treaty more acceptable at home. We should not, therefore, abandon our request for guarantees at least unless and until all the other points are reasonably settled.

6. The second difference arising out of the question of guarantees concerns Belgium. She is now unwilling to give any guarantees at all, even to France, though she promises "scrupulous fidelity" to her obligations under the Covenant. We do not want a guarantee from Belgium; but the French do. If there were no guarantee from her, it would have to be clearly understood that Belgium, if she only undertook to defend her own territory, would not tacitly allow foreign aircraft to cross her territory to attack a third Power. The Chiefs of Staff are being consulted on the value of the Belgian guarantee to France.

7. There is a further difference—though not perhaps a serious one—which seems likely to develop in respect of the guarantees (paragraph 4 of the statement). This arises out of the French suggestion that not only the metropolitan frontiers of the parties to the Treaty should be guaranteed, but also those of their possessions and dependencies. This might suggest (an enquiry has already been addressed to the French Ambassador on the point) that the French would like to see the Treaty extended to cover colonial possessions—an additional obligation for us and without any counter-advantage if we obtain no guarantee for ourselves. On the other hand, even if we did obtain a guarantee, the effect would be to convert a pact limited to certain European frontiers of vital importance to us into one which would involve us in responsibilities in parts of the world of no special importance to us. Incidentally, this proposal would almost certainly be strongly opposed by Germany and Italy, the latter of whom would see in it an attempt to extend the Treaty to the Mediterranean. It is probable that the French could be brought to drop this point without much difficulty.

8. There is a difference between the French and Germans over the question of the demilitarised zone (paragraph 9 (2) of the statement). It is, however, not believed that the French would press seriously for the restriction of the right of fortification on the German side of the frontier; and it seems doubtful whether this point is really one which, with agreement reached on the other matters, would ultimately hold up the settlement.

9. On one other point mentioned in paragraph 9 of the statement are serious difficulties to be anticipated; and that concerns the French proposal for staff conversations. We are committed to these under article VII of the Text of Proposals of the 19th March, 1936, provided they are open to all Five Powers.

A. E.

*Foreign Office, October 23, 1936.*

---

STATEMENT, COMPARING THE VIEWS OF THE FIVE  
GOVERNMENTS.

ON the 18th September, 1936, the Secretary of State for Foreign Affairs handed to the French, Italian and Belgian Ambassadors and the German Chargé d'Affaires a memorandum regarding the agenda of the proposed Five-Power Conference, enumerating certain points which, in the view of His Majesty's Government, might profitably be discussed by the five Governments in advance of the meeting. This memorandum contained the general and provisional views of His Majesty's Government on each of the points mentioned.

2. The French Government's reply to this memorandum was received on the 2nd October; and the German Government's reply on the 14th October. The Italian Government replied on the 19th October, and the Belgian Government on the 23rd October.

(A)—*Points proposed by His Majesty's Government for preliminary discussion.*

3. The points which His Majesty's Government suggested might be discussed are as follows :—

- (i) What is to be the form of the new agreement, *i.e.*, will it include (a) non-aggression arrangements between certain Powers, and, if so, between which Powers; and (b) provisions guaranteeing those non-aggression arrangements; and, if so, which Powers will give and receive guarantees?
- (ii) Shall the non-aggression arrangements be subject to certain exceptions as in Article 2 of the Treaty of Locarno?
- (iii) How shall a decision be reached as to whether the non-aggression undertaking has been violated?
- (iv) Will it be necessary to make special provision in the new agreement for air attack?
- (v) Will the new agreement contain provisions for arbitration and conciliation as does the Treaty of Locarno?

(B)—*Views of the Five Governments on these points.*

(i) *What is to be the form of the new agreement?*

4. *His Majesty's Government* "assume that the new agreement will include certain non-aggression arrangements, whereby the participants would agree in no case to attack or invade each other by land, sea or air, or to resort to war against each other. . . . His Majesty's Government would be ready to guarantee the observance of such arrangements as between Germany, on the one hand, and France and Belgium, on the other, in return for similar guarantees for the United Kingdom from France against Germany and from Germany against France."

The *French Government* "consider that the provisions of the Treaty of Locarno should be maintained subject to the inclusion of the modifications and additions rendered necessary by present circumstances or which experience seems to render desirable. Just as the Treaty of Locarno is based upon a guarantee of the territorial *status quo* resulting from the frontiers between Germany and Belgium and between Germany and France, and a guarantee of the inviolability of these frontiers, the new agreement should be based upon the recognition of the fact that there does not exist between the contracting parties any territorial dispute, and consequently, in their mutual relations, upon an individual and collective guarantee of the territorial *status quo* as well as of the inviolability of the frontiers of their possessions and dependencies. Each signatory would undertake *vis-à-vis* each of the other signatories not to proceed to any attack or

invasion by land, sea or air, and not to resort in any event to force. . . . In case of failure to observe the obligation of non-aggression, assistance (the obligation to render which must not be less extensive than that resulting from the Treaty of Locarno) should be rendered by the other signatory Powers to the Power attacked. . . . The French Government wish to declare at once that, subject to reciprocity, they are ready to contract the obligations of guarantee and assistance referred to above towards each of the Powers parties to the new agreement."

The *German Government*, "as already proposed in their peace plan of the 31st March last, regard obligations for non-aggression between Germany, on the one hand, and Belgium and France, on the other, and the guaranteeing of these obligations by Great Britain and Italy, as the essential elements of the Pact. The answer to the question whether these elements in the treaty should further be supplemented by non-aggression and guarantee obligations between other treaty partners will have to depend on whether such an extension of the system of the Locarno Treaty is in the general interests of peace and whether it can be introduced without upsetting the necessary balance of the treaty system. The German Government will only be able to form their final judgment on this point when they have learned the views of the other Governments concerned."

In the opinion of the *Italian Government* "the new Pact should retain the fundamental principles of the Treaty of Locarno. These principles consist in essence of: (a) the specific undertaking of France, Belgium and Germany not to have recourse to war in any question which may arise between them; (b) the joint guarantee by Italy and England of the non-aggression agreements between France, Belgium and Germany which form the foundation of the Locarno Treaty. . . . The Italian Government have gathered that it is the intention of the British Government to introduce into the guarantee system a new principle: that of reciprocity. It seems to emerge from the British memorandum that the British Government would be ready to renew the Locarno guarantees, so far as concerns the non-aggression agreements between Germany, France and Belgium, in exchange for similar guarantees in favour of Great Britain on the part of Germany against France and on the part of France against Germany. That which in the communiqué of the 3rd February, 1935, was the principle on which the air pact was to be based would thus come to be used as the organic foundation for the entire system of guarantees in the new Treaty.

This innovation seems to the Italian Government to be of the greatest importance and the Italian Government would wish to call the attention of the British Government to what would, in their opinion, be its practical consequences. To begin with, the Italian Government has always regarded the Locarno guarantee as a joint Italo-British guarantee and has always considered that the real strength of the Locarno Treaty lay in the fact that the aggressor would in every case have found himself faced by the united forces of the Power attacked and of the two guarantors. The joint character of the Italo-British guarantee, and this union of the forces of the guarantors and the Power attacked, constituted the fundamental unity—for all practical purposes—of the Locarno Treaty. Confronted with the suggestions contained in the British memorandum, the Italian Government wonders whether this fundamental unity would be effectively maintained in a régime of reciprocal separate guarantees, or whether the Treaty of Locarno would not become split into two tripartite systems, which would fundamentally alter the position of the guarantors, do away with the joint character of the guarantee and, for all practical purposes, transform the Locarno Treaty into two separate Pacts of mutual assistance: one Franco-Anglo-German and one Italo-Franco-German, only formally linked together in the common framework of a general Pact. In the opinion of the Italian Government, this would represent a general weakening of the Locarno system, which it is certainly not the intention of any of the five Governments to bring about. It is perhaps unnecessary for the Italian Government to call the attention of the British Government to the fact that, once the joint character of the Locarno guarantee is weakened, the Treaty of Locarno would come to lose not only one of its fundamental characteristics, but also a function to which an essential importance has always, and rightly, been attributed."

The *Belgian Government* consider that the agreement must provide for undertakings of non-aggression between the interested Powers. . . . The Belgian

Government note with satisfaction that the British Government do not subordinate the guarantee which they are disposed to give to Belgium to the receipt of a reciprocal guarantee. The Belgian Government consider that this question must so far as they are concerned be viewed in the same manner by the other signatory States, and they think it desirable to explain the reasons. As a result of the geographical situation of Belgium any aggression of which she might be the victim would be a direct menace to other Powers. By defending the access to her own territory Belgium contributes in the most effective manner to the security of the States which surround her. The accomplishment of this task demands important sacrifices and a very considerable effort. Conscious of her duties towards the other nations as towards herself, Belgium is resolved to undertake it. By so doing she creates for herself a right in given circumstances to assistance which the Powers threatened across her territory would have a vital interest to give her. She considers that she will by these means fulfil to the limit of her powers the duty which is hers in this region of Europe which has so often been exposed to the ravages of war. Belgium will not, however, confine to this her contribution to the work of collective security. She will continue to observe in respect of the obligations of the Covenant the scrupulous fidelity which she has always shown in the past.

(ii) *Would these non-aggression arrangements be subject to exceptions on the lines laid down in Article 2 of the Treaty of Locarno?*

5. *His Majesty's Government* hold the view that the non-aggression agreements should be "subject to certain exceptions on the lines which were laid down in Article 2 of the Treaty of Locarno," *i.e.*, the exercise of the right of legitimate defence and action under the Covenant of the League of Nations.

The *French Government* state that the obligation of non-aggression should not impede "the exercise by one of the signatory Powers of the right of legitimate defence, that is, of the right to oppose the violation of the obligation defined above. . . . It shall not be possible for the benefits of this new treaty (and, in particular, the obligation to render assistance which results from it) to be invoked by a signatory Power which fails to observe the obligations laid down in it, or which shall undertake in Europe something contrary to the territorial integrity or political independence of another Power, in particular by launching against the latter an unprovoked attack. Consequently, the principle of assistance could not be brought into force against a signatory State which, in accordance with the principles of the Covenant of the League of Nations, resists an act of aggression by one of the contracting parties against a State which is not a contracting party. In laying down this principle, the Government of the Republic have in mind the provisions of Article 2 of the Treaty of Locarno."

The *German Government* "in their peace plan of the 31st March have already declared themselves prepared for a renunciation of aggression *vis-à-vis* Belgium and France unrestricted by any exceptions. From their standpoint they have no motive for weakening the security for peace which lies in the conclusion of such an agreement for the renunciation of aggression by demanding exceptions of any kind whatever. In case the other Governments concerned should think it necessary to insist on making exceptions of this kind, it would be for them to put forward proposals to this end. Meanwhile, however, the German Government must indicate at once that they do not consider the method proposed by His Majesty's Government in their memorandum of the 17th September to be practicable. In Article 2 of the Locarno Treaty, to which the memorandum refers, the important exceptions in practice to the provisions for the renunciation of aggression are laid down with reference to the provisions of the Covenant of the League of Nations, and in particular to Article 16 thereof. The repetition of the use of this method is, in the view of the German Government, precluded by the fact that the interpretation of Article 16 has led to the well-known differences of opinion between Germany and the other Locarno Powers, and, furthermore, by the fact that the discussion regarding the future of Article 16 and other provisions of the Covenant of the League of Nations is at present still quite open."

The *Italian Government* do not discuss this question pending a decision on question (i). The fact that they declare so categorically for the maintenance of

the principles of the Locarno Treaty cannot, it is feared, be taken as proof that they will not support the German view on this and other points.

The *Belgian Government* express no view.

(iii) *How shall a decision be reached as to whether the non-aggression undertaking has been violated?*

6. *His Majesty's Government* state that "the question whether the non-aggression undertaking has been violated should be submitted to the Council of the League of Nations. In the case of a flagrant violation of a frontier, the guarantees might operate immediately, as in the Treaty of Locarno, pending a final pronouncement by the Council."

The *French Government* state that "at least the mechanism contemplated by the Treaty of Locarno (Article 4), which comprises, on the one hand, the recognition by the Council of the League of Nations of the fact that an act of aggression has taken place, and, on the other, in the event of a flagrant violation of the above-mentioned obligation, the immediate application of the guarantees pending a definite decision of the Council, should be maintained with the necessary addition to forestall the danger of sudden early attack."

The *German Government* "do not consider it either necessary or appropriate to submit to the Council of the League of Nations the question of deciding whether an infringement of the obligation of non-aggression has taken place, and consequently whether the guarantee obligation has entered into force. It would be necessary to examine whether such decisions should not be reached by a common decision of the parties to the treaty who are not in a given case directly parties to the conflict. A distinction between flagrant breaches of the Treaty and other kinds of breaches of the Treaty, such as was laid down in the old Rhine Pact, will no longer come into consideration in the new pact."

The *Italian Government* express no view in the circumstances described above: but, as already stated, it would be rash to assume that their preference for the Locarno model will induce them to prefer our views to those of Germany.

The *Belgian Government* express no view.

(iv) *Will it be necessary to make special provision in the new agreement for air attack?*

7. *His Majesty's Government* "consider that special provision should be made in the guarantee arrangements under the new agreement for immediate assistance in the event of an air attack which constituted a violation of the non-aggression undertakings. If this is done, a separate Air Pact would not, in their opinion, be necessary."

The *French Government* "agree with the British Government in considering that a sudden air attack should in any case be regarded as a flagrant violation of the obligations undertaken\* and should consequently involve immediate assistance by the other signatories to the State victim of the aggression. The stipulations regarding this might either form the subject of a special protocol or be inserted in the general treaty."

The *German Government* state that "the obligations of non-aggression on which agreement is to be reached will naturally have to extend also to air attacks. Moreover, the rendering of assistance by the guarantor Powers would have to cover their air forces also. The German Government, therefore, share the view of His Majesty's Government that there is no necessity for a special air pact."

The *Italian Government* do not mention this point in their Memorandum for the reasons already stated. When Sir E. Drummond asked Count Ciano if he would be willing, supposing a return were made to the old Locarno Pact, simultaneously to conclude an air convention on the lines laid down in 1935, Count Ciano said that he could not answer this question at once. He observed, however, that much had happened since 1935. There was, for example, a new situation as regards Belgium.

\* It will be noted that these words are not those used by His Majesty's Government.

As regards special provisions for dealing with air attack, the *Belgian Government* have for more than a year shown the interest which they attach to such suggestions.

(v) *Shall the new agreement contain provisions for arbitration and conciliation as does the Treaty of Locarno?*

8. *His Majesty's Government* "suggest that the new agreement should contain provisions for arbitration and conciliation as did the Treaty of Locarno; and for their part they would be ready to agree to such provisions."

The *French Government* "remain in favour of the Treaties of Locarno regarding the settlement of disputes by arbitration or judicial methods or by methods of conciliation; the conditions for the termination of these treaties have not been fulfilled and consequently they are still in force. It would be well to complete them by means of a promise of assistance in the event of one signatory Power refusing to follow the procedures for pacific settlement thus laid down, or to give effect to the decisions reached. It is desirable, on the other hand, that similar treaties should be concluded between those of the signatory Powers which have not hitherto concluded treaties to cover this question."

The *German Government* "consider it appropriate that the parties to the Treaty, especially those between whom obligations of non-aggression are agreed upon, should at the same time reach agreements for the settlement, by suitable peaceful procedure, of the disputes arising between them."

The *Italian Government* make no statement on this point for reasons stated above.

The *Belgian Government* consider that the new agreement might well, like the Treaty of Locarno, contain arbitration and conciliation clauses.

(C)—*Additional points to those discussed above.*

9. These points are as follows:—

(1) *General Settlement.*

*His Majesty's Government* recall that the London communiqué of the 23rd July stated that "if progress could be made at the Five-Power Meeting, other matters affecting European peace would necessarily come under discussion. In these circumstances it would be natural to look forward to the widening of the area of discussion in such a manner as to facilitate, with the collaboration of the other interested Powers, the settlement of those problems, the solution of which is essential to the peace of Europe."

The *French Government* state that their memorandum "does not take into account all the questions which will arise in the course of the forthcoming conference for the solution of which the collaboration of other countries will be indispensable. It has been purposely limited to the principal problems connected directly with the negotiation of the treaty to be substituted for the Treaty of Locarno, and which, for this reason, and subject to the eventual participation of the Netherlands in the negotiations (in this connexion please see (6) below) does not call for the participation of other Powers than the signatories of the last-named treaty. The Government of the Republic wishes to point out that, in accordance with the spirit of the arrangement of the 19th March, 1936, and of the London Communiqué of the 23rd July, this negotiation should be the prelude to a wider negotiation which implies the collaboration of the interested Powers."

The *German Government* "assume from the terms of the invitation conveyed to them on the basis of the London Communiqué of the 23rd July last and their reply thereto, that the subject to be dealt with by the conference will be the replacement of the old Rhine Pact of Locarno by a new pact between Germany, Belgium, France, Great Britain and Italy. If the communiqué in question contemplates the discussion later on of other problems connected with the securing of European peace, a decision with regard to these problems (as, indeed, the communiqué itself indicates) can only be reached when the result of the conference of the Five Powers, with respect to the subject to be dealt with at that conference, has been arrived at. The German Government must therefore reserve till then their attitude with regard to the question whether, and if so which, other problems in given circumstances might later be discussed."



The *Italian Government* do not deal with this point.

The *Belgian Government* express no view.

(2) *Demilitarised Zone.*

*His Majesty's Government* recall that according to the London Communique of the 23rd July, 1936, "the first business to be undertaken at such a meeting was to be the negotiation of a new agreement to take the place of the Treaty of Locarno and to resolve, through the collaboration of all concerned, the situation created by the German initiative of the 7th March."

The *French Government* state that the programme laid down in their memorandum "does not exhaust the objects of the negotiations to be envisaged as regards the settlement of the situation created on the 7th March, 1936. In particular, and in accordance with the provisions agreed upon on the 19th March, 1936, suitable provisions should be adopted to forbid or restrict the subsequent erection of fortifications in a zone to be defined."

The *German Government* state that "the structure of the new pact would naturally have to take into account the political developments which have given rise to the plan for such a pact."

The *Italian Government* say nothing.

The *Belgian Government* say nothing.

(3) *Air Limitation.*

The *French Government* call attention to the advantage of completing the obligations of non-aggression and assistance as regards sudden aerial attack by obligations for the limitation of air armaments.

(4) *Staff Agreements.*

The *French Government* state that "as indicated in the arrangements concluded at London on the 19th March, 1936, technical agreements must be envisaged to ensure, in case of necessity, prompt action on the part of the signatories, and to prepare suitable measures to render effective the obligations undertaken."

(5) *Recognition of the proposed treaty by third Powers.*

The *French Government* consider that "it would be well to have the treaty recognised by third Powers as an instrument designed to ensure the maintenance of peace and to get them to undertake not to interfere with its application."

(6) *Inclusion of the Netherlands.*

The *French Government* draw attention to the suggestion made by the German Government in their Note of the 31st March, and to which France has no objection, to include the Netherlands, if they so wish, in the new agreement.

(7) *Consultation between the Signatory Powers.*

The *French Government* draw attention to the possibility of consultation between the signatory Powers in the event of political tension between them with a view to render more efficacious the working of Article 11 of the Covenant of the League of Nations.

(8) *Measures for establishing facts concerning aggression.*

The *French Government* suggest that each signatory Power should be empowered to set up special organisations on its territory for this purpose. These organisations, composed of foreign observers, would pronounce on the facts as to any alleged attack or invasion.

*Foreign Office, October 23, 1936.*

---